

**Department of Legislative Services**  
 Maryland General Assembly  
 2008 Session

**FISCAL AND POLICY NOTE**

Senate Bill 580

(Senator Conway, *et al.*)

Education, Health, and Environmental Affairs

Health and Government  
 Operations

**Radiation Oncology/ Therapy Technologists, Medical Radiation Technologists,  
 Radiologist Assistants, and Nuclear Medicine Technologists - Licensure**

This bill requires the Board of Physicians to establish a licensure program for radiologist assistants in order to perform fluoroscopy and selected radiology procedures, patient assessment, and patient management. In addition, the bill requires that radiation oncology/therapy technologists, medical radiation technologists, and nuclear medicine technologists be licensed rather than certified. Finally, the bill adds a radiologist assistant and a physician who specializes in radiology and supervises a radiologist assistant to the renamed Radiation Oncology/Therapy Technology, Medical Radiation Technology, Radiology Assistance, and Nuclear Medicine Technology Advisory Committee.

**Fiscal Summary**

**State Effect:** Special fund revenues could increase by \$5,500 in FY 2009 as 55 individuals become licensed. Future years reflect a greater increase in initial licensures in FY 2010, declining initial licensures in FY 2011, 2012, and 2013, and biennial renewal. Special fund expenditures could increase minimally beginning in FY 2009. Potential minimal increase in general fund revenues and expenditures beginning in FY 2010 due to imposition of existing penalty provisions under the bill.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
GF Revenue	\$0	-	-	-	-
SF Revenue	5,500	16,500	9,600	15,200	6,900
GF Expenditure	0	-	-	-	-
SF Expenditure	-	-	-	-	-
Net Effect	\$5,500	\$16,500	\$9,600	\$15,200	\$6,900

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*



**Local Effect:** Potential minimal increase in revenues and expenditures due to imposition of existing penalty provisions under the bill.

**Small Business Effect:** Potential minimal.

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## Analysis

**Bill Summary:** In order to practice, all radiologist assistants have to be licensed by the board by October 1, 2009. To qualify for a license as a radiologist assistant, an applicant has to • be issued a general license to perform medical radiation technology; • complete a specified advanced academic program that results in a baccalaureate degree, post baccalaureate certificate, or graduate degree that incorporates a radiologist-directed clinical preceptorship; • be certified in advanced cardiac life support; and • be certified as a radiologist assistant by the American Registry of Radiologic Technologists.

A radiologist assistant may not • interpret images; • make diagnoses; or • prescribe medications or therapies. Radiologist assistants are subject to the same disciplinary processes as medical radiation technologists and nuclear medicine technologists.

The bill allows certificate holders to continue practicing until their certification expires, at which time a license must be issued instead.

**Current Law:** Radiation oncology/therapy technologists, medical radiation technologists, and nuclear medicine technologists have to be certified under the Maryland Radiation Oncology/Therapy Technologists, Medical Radiation Technologists, and Nuclear Medicine Technologists Act.

The board's Radiation Oncology/Therapy Technology, Medical Radiation Technology, and Nuclear Medicine Technology Advisory Committee has to • recommend necessary regulations to the board; • recommend requirements for radiation oncology/therapy technologists, medical radiation technologists, or nuclear medicine technologists; • review certification applications for these health professionals and, if requested, make recommendations to the board; • investigate complaints against these health professionals at the board's request; • advise the board on the practice of these health professions; • keep a record of its proceedings; and • submit an annual report to the board.

The health professionals regulated by the Act may only practice under a licensed physician's supervision. The failure of a licensed physician to properly supervise these health professionals is unprofessional conduct in the practice of medicine. The practice

of these specified health professionals is limited to procedures, operations, preparations, and practices listed in regulation.

### *Certification Requirements*

An applicant for certification under the Act must • be of good moral character; • be at least 18; • demonstrate oral and written competency in English as required by the board; and • meet any educational, training, or examination requirements required by the board.

The board has to reinstate the certificate of a specified health professional who has failed to renew a certificate for any reason if the individual meets any additional requirements required by the board and pays the reinstatement fee.

Unless the board agrees to accept the surrender of a certificate, an individual certified under the Act may not surrender the certificate and the certificate may not lapse by operation of law which the individual is under investigation or while charges are pending against the certified individual.

### *Disciplinary Actions*

The board may deny an application for certification or take disciplinary action against a certificate holder for specified reasons including if the individual • fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant, certified individual, or for another; • fraudulently or deceptively uses a certificate; • is guilty of unprofessional or immoral conduct in the practice of the specified profession; or • is habitually intoxicated.

### *Reporting Requirements*

Hospitals, related institutions, alternative health systems, and employers have to report to the board when they have limited, reduced, otherwise changed, or terminated any specified certificate holders. These health institutions and employers must also report to the board if they have reason to know a certificate holder has committed an action or has a condition that might be grounds for board disciplinary action.

### *Penalties*

A person who violates any provision of the Act is guilty of a misdemeanor and on conviction is subject to a maximum \$1,000 fine and/or a maximum one year imprisonment. Such a person also is subject to a maximum \$5,000 civil fine levied by the board. The board has to pay any civil fines to the Board of Physicians Fund.

**Background:** According to the Health Professions Network, radiologist assistants are licensed in Arkansas, Iowa, Mississippi, Montana, New Mexico, New York, and Tennessee, and are regulated in Oregon. In addition, licensure laws are pending in Florida, Illinois, and Ohio.

**State Fiscal Effect:** The board states that there are approximately 5,500 certified medical radiation technologists in Maryland, a prerequisite to attaining a license as a radiologist assistant. Legislative Services assumes that as many as 550 certified medical radiation technologists, 10% of the total, would *gradually* choose to be licensed as a radiologist assistant as a result of the bill. The bill requires all radiologist assistants to be licensed by October 1, 2009 in order to practice in Maryland, but some would likely qualify for and choose to be licensed sooner. The board advises that it would charge \$150 for both the initial license and renewal license, with licenses being renewed biennially. However, Legislative Services believes a fee this high would not be necessary to recover any of the board's costs related to issuing this license as the board would only have to confirm that the applicant's education incorporated certain components and that the applicant had the required advanced cardiac life support and ARRT certification. Instead, Legislative Services estimates a fee of \$100 for initial licensure and \$75 for renewal.

Thus, special fund revenues could increase by \$5,500 in fiscal 2009 as an estimated 55 certified medical radiation technologists become licensed as radiologist assistants and pay a \$100 initial radiologist assistant licensure fee. Future years assume 165 new licensees in fiscal 2010, 55 new and 55 renewal licensees in fiscal 2011, 28 new and 165 renewal licensees in fiscal 2012, and 28 new and 55 renewal licensees in fiscal 2013. Individuals renewing a radiologist assistant license would also pay a \$75 renewal fee.

Existing board staff could establish the licensure requirements and process radiologist assistant license applications beginning in fiscal 2009. Special fund expenditures for printing, mailing, and other costs related to radiologist assistant licensure are expected to be minimal and be covered by the additional fee revenue.

The imposition of existing penalty provisions under this bill is not expected to generate a significant amount of additional State revenues or expenditures.

**Local Fiscal Effect:** The imposition of existing criminal penalty provisions under this bill is not expected to significantly affect local revenues or expenditures.

## **Additional Information**

**Prior Introductions:** A similar bill, SB 645 of 2007, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

**Cross File:** None.

**Information Source(s):** Office of Administrative Hearings, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2008  
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