

HOUSE BILL NO. 1311

Introduced by

Representatives Wald, Stefonowicz, Porter, Gunter

Senators Kilzer, Lee

1 A BILL for an Act providing for the regulation and licensing of persons who administer radiologic
2 procedures and establishing a radiology technology board of examiners.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Definitions.** As used in this chapter:

- 5 1. "Board" means the radiology technology board of examiners.
- 6 2. "Dental radiographer" means an individual, other than a licensed practitioner,
7 whose duties are restricted to radiography of the maxilla and mandible for a
8 diagnostic purpose.
- 9 3. "Ionizing radiation" means gamma rays, x-rays, alpha and beta particles,
10 high-speed electrons, neutrons, protons, and other atomic or nuclear particles or
11 rays. The term does not include sound or radio waves or visible, infrared, or
12 ultraviolet light.
- 13 4. "License" means a certificate issued by the board authorizing the licensee to use
14 equipment emitting ionizing radiation on a human for any diagnostic or therapeutic
15 purpose specified under this chapter.
- 16 5. "Licensed practitioner" means an individual licensed in this state to practice
17 medicine, dentistry, podiatry, chiropractic, optometry, or osteopathy.
- 18 6. "Nuclear medicine technologist" means an individual, other than a licensed
19 practitioner, who uses radiopharmaceutical agents on a human for any diagnostic
20 purpose.
- 21 7. "Public member" means a resident of the state, who is proficient in educational
22 testing and measurements and who is not a licensed practitioner, radiologic
23 technologist, or dental radiographer.

- 1 8. "Radiation therapist" means an individual, other than a licensed practitioner, who
2 applies ionizing radiation to a human for any therapeutic purpose.
- 3 9. "Radiographer" means an individual, other than a licensed practitioner, who applies
4 ionizing radiation to a human for a diagnostic purpose.
- 5 10. "Radiologic physicist" means an individual certified, or eligible for certification, by
6 the American board of radiology in radiological physics or a subspecialty of
7 radiologic physics.
- 8 11. "Radiologic technologist" means a radiographer, radiation therapist, or nuclear
9 medicine technologist, licensed under this chapter.
- 10 12. "Radiologist" means a licensed physician certified, or eligible for certification, by
11 the American board of radiology, American osteopathic board of radiology, British
12 royal college of radiology, or the Canadian college of physicians and surgeons.
- 13 13. "Restricted license" means a certificate issued by the board authorizing the
14 licensee to conduct limited diagnostic radiology examinations. The limited
15 examination under a restricted license is limited to specified parts of the human
16 body, such as dental, abdomen, chest, or extremity radiography and the restricted
17 licensee is restricted to performing a limited examination in cities or townships with
18 populations not exceeding two thousand.
- 19 14. "Temporary license" means a certificate issued by the board authorizing the
20 licensee to use equipment emitting ionizing radiation on a human for a diagnostic
21 or therapeutic purpose. The licensee's license application or license renewal must
22 be pending before the board, and the issuance of the temporary license must be
23 justified by special circumstances, as determined by the board.

24 **SECTION 2. Licensure - Exceptions.**

- 25 1. Effective August 1, 2000, it is unlawful for a person to use ionizing radiation or any
26 other form of radiant energy on a human for a diagnostic or therapeutic purpose
27 unless that person is a licensed practitioner, radiologic technologist, or dental
28 radiographer.
- 29 2. An individual licensed under this chapter may use a radioactive substance or
30 equipment emitting ionizing radiation on a human only if the use is for a diagnostic
31 or therapeutic purpose by prescription of a licensed practitioner, and only if the

- 1 application of the substance or the use of the equipment is limited in a manner
2 specified in this chapter.
- 3 3. The provisions of this chapter relating to radiologic technology do not limit, enlarge,
4 or affect the practice of a licensed practitioner or a dental radiographer.
- 5 4. The licensure requirement of this section does not apply to the following
6 individuals:
- 7 a. A student enrolled in and attending a school or college of medicine,
8 osteopathy, podiatry, dentistry, dental hygiene, chiropractic, optometry, or
9 radiologic technology who as a student applies x-ray radiation to a human
10 under the specific direction of an individual licensed to prescribe x-ray
11 radiation.
- 12 b. An individual licensed by the board of dental examiners who is administering
13 an x-ray examination related to the practice of dentistry or hygienistry.
- 14 c. An individual performing only a darkroom procedure who is under the
15 supervision of a licensed radiologic technologist or radiologist or who is able
16 to show evidence of completion of formal training in darkroom procedures.

17 **SECTION 3. Board - Members - Term of office - Vacancies - Officers.** The board
18 consists of eight members appointed by the governor for terms of three years except that of the
19 initial members appointed; three shall serve a one-year term, two of whom must be radiologic
20 technologists; three shall serve two-year terms; and two shall serve three-year terms. The
21 terms of initial board members begin on August 1, 1999. Each board member must be a
22 resident of the state, shall take the oath of office required of civil officers, and shall remain in
23 office until a successor is appointed and qualified. In the case of a vacancy, the governor shall
24 appoint a member to fill the position for the remainder of the unexpired term. Three board
25 members must be radiologic technologists, one board member must be a licensed practitioner,
26 one board member must be a radiological physicist, one board member must be a radiologist,
27 one board member must be a chiropractor, and one board member must be a public member.
28 The initial board members who are radiologic technologists are not required to be licensed, but
29 must have practiced as a radiologic technologist for at least three years.

30 **SECTION 4. Board - Compensation - Expenses - Meetings - Duties.** Each board
31 member is entitled to receive a compensation of sixty-two dollars and fifty cents per day, and

1 reimbursement of necessary expenses incurred in the performance of official board duties as
2 provided by law for state officers. The board shall:

- 3 1. Meet at least once every six months;
- 4 2. Adopt rules for licensing, imposing discipline, handling appeals, and for otherwise
5 implementing this chapter.
- 6 3. The board shall establish licensure standards and procedures.

7 **SECTION 5. Restricted licenses.** The board shall issue a restricted license to an
8 applicant who:

- 9 1. Pays a nonrefundable application fee;
- 10 2. Is at least eighteen years of age at the time of application;
- 11 3. Possesses a high school diploma or a general education equivalency certificate;
- 12 4. Passes the restricted license exam; and
- 13 5. Meets any additional requirements set by the board.

14 **SECTION 6. Radiologic technologist license.** The board shall issue a radiologic
15 technologist license to an applicant who as of August 1, 1999, has legally practiced as a
16 radiologic technologist for a period of at least six months and to an applicant who:

- 17 1. Pays a nonrefundable application fee;
- 18 2. Is at least eighteen years of age at the time of application;
- 19 3. Possesses a high school diploma or a general education equivalency certificate;
- 20 4. Satisfactorily completes a board-approved course of study in radiology, radiation
21 therapy, nuclear medicine, or an equivalent as determined by the board;
- 22 5. Possesses a current certificate by the American registry of radiologic technologists
23 or by another recognized national voluntary credentialing body, issued on the basis
24 of an examination satisfactory to the board;
- 25 6. Meets any additional requirements set by the board.

26 **SECTION 7. Temporary licenses.** The board may issue a temporary license to any
27 individual whose license application or license renewal is pending if issuance of the temporary
28 license is justified by special circumstances. A temporary license may be issued only if the
29 temporary license will not endanger the public health and safety. A temporary license may not
30 be issued for a period longer than one hundred eighty days.

1 **SECTION 8. License display - License renewal - Continuing education**
2 **requirements.** Every holder of a license under this chapter shall display the official license
3 certificate or a verified copy in each place of employment. A restricted license and a radiologic
4 technologist license must be renewed every two years. The board shall renew a restricted
5 license or a radiologic technologist license upon receipt of payment of a renewal fee and of
6 proof of successful completion of twelve board-approved continuing education units.

7 **SECTION 9. Discipline.** The board may suspend, refuse to renew, or revoke a license
8 issued under this chapter or reprimand any licensee who is guilty of any of the following:

- 9 1. The practice of fraud or deceit in obtaining a license under this chapter.
- 10 2. Any gross negligence, incompetence, or misconduct in the use of radiant energy.
- 11 3. Any offense determined by the board to have a direct bearing upon a licensee's
12 ability to perform professional duties, or the board determines, following conviction
13 of any offense, that a licensee is not sufficiently rehabilitated under section
14 12.1-33-02.1.
- 15 4. Violation of any code of ethics adopted by the board.

16 **SECTION 10. Prohibited acts - Civil penalty.** A person may not knowingly employ as
17 a radiographer or a radiation therapist any person who does not meet the licensing
18 requirements of this chapter. Any person who violates any provisions of this chapter, or any
19 rule of the board is subject to a civil fine of up to one thousand dollars.