

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1311

Introduced by

Representatives Wald, Stefonowicz, Porter, Gunter

Senators Kilzer, Lee

1 A BILL for an Act to provide for the regulation and licensing of persons who administer
2 radiologic procedures and establishing a radiology technology board of examiners; to create a
3 new subsection to section 43-12.1-08 of the North Dakota Century Code, relating to
4 radiography practiced by a nurse; and to provide a penalty.

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

6 **SECTION 1.** A new subsection to section 43-12.1-08 of the 1997 Supplement to the
7 North Dakota Century Code is created and enacted as follows:

8 Adopt standards for the limited practice of radiology by a registered nurse or by a
9 licensed practical nurse which require at least twelve hours of board-approved
10 continuing education specific to radiography annually and which require a written
11 radiology examination.

12 **SECTION 2. Definitions.** As used in sections 2 through 12 of this Act:

- 13 1. "Board" means the radiology technology board of examiners.
- 14 2. "Ionizing radiation" means gamma rays, x-rays, alpha and beta particles,
15 high-speed electrons, neutrons, protons, and other atomic or nuclear particles or
16 rays. The term does not include sound or radio waves or visible, infrared, or
17 ultraviolet light.
- 18 3. "License" means a certificate issued by the board authorizing the licensee to use
19 equipment emitting ionizing radiation on a human for any diagnostic or therapeutic
20 purpose specified under this chapter.
- 21 4. "Licensed practitioner" means an individual licensed in this state to practice
22 medicine, dentistry, podiatry, chiropractic, optometry, or osteopathy or to practice
23 as an advanced practice registered nurse or physician assistant.

- 1 5. "Nuclear medicine technologist" means an individual, other than a licensed
2 practitioner, who uses radiopharmaceutical agents on a human for any diagnostic
3 or therapeutic purpose.
- 4 6. "Public member" means a resident of the state, who is proficient in educational
5 testing and measurements and who is not a licensed practitioner, radiologic
6 technologist, registered or qualified dental assistant, or dental hygienist.
- 7 7. "Radiation therapist" means an individual, other than a licensed practitioner, who
8 applies ionizing radiation to a human for any therapeutic purpose.
- 9 8. "Radiographer" means an individual who practices radiography.
- 10 9. "Radiography" means the application of ionizing radiation to a human for
11 diagnostic or therapeutic purposes and, as related, includes the following:
- 12 a. Performing procedures or examinations performed upon the order of or for
13 diagnostic interpretation by a licensed practitioner;
- 14 b. Performing optional patient care applying established and accepted protocols;
- 15 c. Supervising any peer or student of radiography, or both; and
- 16 d. Continuing the evaluation of responsibilities and methods with the
17 recommendations for expansion of the profession with the advances in
18 modern medical technology.
- 19 10. "Radiologic physicist" means an individual certified, or eligible for certification, by
20 the American board of radiology in radiological physics or a subspecialty of
21 radiologic physics.
- 22 11. "Radiologic technologist" means a radiographer, radiation therapist, or nuclear
23 medicine technologist, who is registered by the American registry of radiologic
24 technologists or board-approved equivalent or organization and is licensed under
25 sections 2 through 12 of this Act to practice radiography on any body organ
26 system.
- 27 12. "Radiologist" means a licensed physician certified, or eligible for certification, by
28 the American board of radiology, American osteopathic board of radiology, British
29 royal college of radiology, or the Canadian college of physicians and surgeons.

- 1 13. "Registered or qualified dental assistant" means an individual, other than a
2 licensed practitioner, whose duties are restricted to radiography of the head and
3 neck region for a diagnostic purpose.
- 4 14. "Restricted license technician" means the holder of a restricted license issued by
5 the board, which authorizes the holder to practice radiography under the indirect
6 supervision of a radiologic technologist or radiologist.
- 7 15. "Temporary license" means a certificate issued by the board authorizing the
8 licensee to use equipment emitting ionizing radiation on a human for a diagnostic
9 or therapeutic purpose. The licensee's license application or license renewal must
10 be pending before the board and the issuance of the temporary license must be
11 justified by special circumstances, as determined by the board.

12 **SECTION 3. Licensure - Exceptions.**

- 13 1. Effective August 1, 2000, it is unlawful for a person to use ionizing radiation on a
14 human for a diagnostic or therapeutic purpose unless that person is a licensed
15 practitioner, licensed radiologic technologist, registered or qualified dental
16 assistant, or restricted license technician.
- 17 2. An individual licensed under sections 2 through 12 of this Act may use a
18 radioactive substance or equipment emitting ionizing radiation on a human only if
19 the use is for a diagnostic or therapeutic purpose by prescription of a licensed
20 practitioner, and only if the application of the substance or the use of the
21 equipment is limited in a manner specified in sections 2 through 12 of this Act.
- 22 3. The provisions of sections 2 through 12 of this Act relating to radiography do not
23 limit, enlarge, or affect the practice of a licensed practitioner, a registered or
24 qualified dental assistant, or a dental hygienist.
- 25 4. The licensure requirement of this section does not apply to the following
26 individuals:
- 27 a. A student enrolled in and attending a school or college of medicine,
28 osteopathy, podiatry, dentistry, dental hygiene, dental assistant, chiropractic,
29 optometry, or radiologic technology who as a student applies ionizing
30 radiation to a human under the specific direction of an individual licensed to
31 prescribe ionizing radiation.

- 1 b. An individual licensed, registered, or classified as qualified by the state board
2 of dental examiners who is administering an x-ray service related to the
3 practice of dentistry.
- 4 c. An individual licensed under chapter 43-12.1 as a registered nurse or a
5 licensed practical nurse who meets the state board of nursing radiography
6 education and examination requirements.

7 **SECTION 4. Board - Members - Term of office - Vacancies - Officers.** The board
8 consists of eight members appointed by the governor for terms of three years except that of the
9 initial members appointed, three shall serve three-year terms, two of whom must be radiologic
10 technologists; three shall serve two-year terms; and two shall serve a one-year term. The
11 terms of initial board members begin on August 1, 1999. Each board member must be a
12 resident of the state, shall take the oath of office required of civil officers, and shall remain in
13 office until a successor is appointed and qualified. In the case of a vacancy, the governor shall
14 appoint a member to fill the position for the remainder of the unexpired term. Three board
15 members must be radiologic technologists, one board member must be a licensed practitioner,
16 one board member must be a radiological physicist, one board member must be a radiologist,
17 one board member must be a chiropractor, and one board member must be a public member.
18 The initial board members who are radiologic technologists are not required to be licensed, but
19 each must have practiced as a radiologic technologist for at least three years.

20 **SECTION 5. Board - Compensation - Expenses - Meetings - Duties.** Each board
21 member serves without compensation but is entitled to receive mileage and travel expenses
22 incurred in the performance of board duties as provided under sections 44-08-04 and 54-06-09
23 at the same rate as state employees. Expenses incurred under this Act may not be charged
24 against the funds of the state. Funds administered by the board do not revert to the general
25 fund of the state. The board shall:

- 26 1. Meet at least once every six months.
- 27 2. Adopt rules for licensing, imposing discipline, handling appeals, and for otherwise
28 implementing sections 2 through 12 of this Act.

29 **SECTION 6. Board - Officers.** The board shall elect a president and appoint a
30 secretary-treasurer. The secretary-treasurer may not be a member of the board. The

1 secretary-treasurer may be paid an annual salary and must be bonded for the faithful discharge
2 of the secretary-treasurer's duties in the sum of one thousand dollars.

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

- 5 1. Pays a nonrefundable application fee;
- 6 2. Is at least eighteen years of age at the time of application;
- 7 3. Possesses a high school diploma or a general education equivalency certificate;
- 8 and
- 9 4. Passes the restricted license exam.

10 **SECTION 8. Radiologic technologist license.** The board shall issue a radiologic
11 technologist license to:

- 12 1. An applicant who as of August 1, 1999, has practiced as a radiographer for a
13 period of at least six months.
- 14 2. An applicant who:
 - 15 a. Pays a nonrefundable application fee;
 - 16 b. Is at least eighteen years of age at the time of application;
 - 17 c. Possesses a high school diploma or a general education equivalency
18 certificate;
 - 19 d. Satisfactorily completes a board-approved course of study in radiology,
20 radiation therapy, nuclear medicine, or an equivalent as determined by the
21 board; and
 - 22 e. Possesses a current certificate by the American registry of radiologic
23 technologists or by another recognized national voluntary credentialing body,
24 issued on the basis of an examination satisfactory to the board.

25 **SECTION 9. Temporary licenses.** The board may issue a temporary license to any
26 individual whose license application or license renewal is pending if issuance of the temporary
27 license is justified by special circumstances. A temporary license may be issued only if issuing
28 the temporary license will not endanger the public health and safety. A temporary license may
29 not be issued for a period longer than one hundred eighty days.

30 **SECTION 10. License display - License renewal - Continuing education**
31 **requirements.** Every holder of a license under sections 2 through 12 of this Act shall display

1 the official license certificate or a verified copy in each place of employment. A restricted
2 license and a radiologic technologist license must be renewed every two years. The board
3 shall renew a restricted license or a radiologic technologist license upon receipt of payment of a
4 renewal fee and of proof of successful completion of twenty-four board-approved continuing
5 education units.

6 **SECTION 11. Discipline.** The board may suspend, refuse to renew, or revoke a
7 license issued under this chapter or reprimand any licensee who is guilty of any of the
8 following:

- 9 1. The practice of fraud or deceit in obtaining a license under sections 2 through 12 of
10 this Act.
- 11 2. Any gross negligence, incompetence, or misconduct in the use of ionizing
12 radiation.
- 13 3. Any offense determined by the board to have a direct bearing upon a licensee's
14 ability to perform professional duties, or the board determines, following conviction
15 of any offense, that a licensee is not sufficiently rehabilitated under section
16 12.1-33-02.1.
- 17 4. Violation of any code of ethics adopted by the board.

18 **SECTION 12. Prohibited acts - Penalties.** A person may not knowingly employ as a
19 radiographer any person who does not meet the licensing requirements of sections 2 through
20 12 of this Act. Violation of sections 2 through 12 of this Act is a class A misdemeanor. In
21 addition to the criminal penalty, the civil remedy of injunction is available to restrain and enjoin
22 any violation of sections 2 through 12 of this Act without proof of actual damages sustained by
23 any person.