

**TITLE 114
MEDICAL IMAGING and RADIATION THERAPY BOARD**

**ARTICLE 114-01
GENERAL ADMINISTRATION**

Chapter	
114-01-01	Organization of Board
114-01-02	Definitions
114-01-03	Fees

**CHAPTER 114-01-01
ORGANIZATION OF THE BOARD**

Section	
114-01-01-01	Organization of Medical Imaging and Radiation Therapy Board

114-01-01-01 Organization of Medical Imaging and Radiation Therapy Board.

1. **History and function.** The 2015 legislative assembly passed the medical imaging and radiation therapy board practices act, codified as North Dakota Century Code chapter 43-62. This chapter requires the governor to appoint the board of medical imaging and radiation therapy board. The function of the board is to regulate the practice of medical imaging and radiation therapy modalities by licensing qualified individuals.
2. **Board membership.** The board consists of nine members appointed by the governor. Five members are medical imaging or radiation therapy professionals, one each chosen from the primary modalities of nuclear medicine technology, radiation therapy, radiography, sonography, magnetic resonance imaging and medical imaging or radiation therapy education, one member is a radiologist, one is a medical physicist, one is a physician from a rural area and one public member. Members of the board serve four-year terms. The terms are so arranged that no more than four terms expire on July thirty-first of each year. No member may be appointed for more than two consecutive 4 year terms.
3. **Compensation.** Board members shall receive expenses from board funds for each day or a portion of the day spent in board work as provided for other state officers in North Dakota Century Code section 54-06-09 Mileage and travel expense of state officers and employees.

4. **Executive secretary.** The board shall employ personnel necessary to carry out North Dakota Century Code chapter 43-62 and this title will be responsible for the administration of the board's office and activities.

5. **Inquiries.** Inquiries regarding the board may be addressed to:

Medical Imaging and Radiation Therapy Board
PO Box 398
Bismarck, North Dakota 58502-0398

History: Effective _____1, 2018.

General Authority: NDCC 28-32.

Law Implemented: NDCC 43-62.

CHAPTER 114-01-02 DEFINITIONS

Section
114-01-02-01 Definitions

114-01-02-01. Definitions. The terms used in this title have the same meaning as in North Dakota Century Code chapter 43-62 and apply to North Dakota Administrative Code title 114 unless the context indicates otherwise.

1. "Accreditation" means the official authorization or status granted by a nationally recognized accrediting organization or agency.
2. "Applicant" means an individual seeking official action by the board.
3. "Approved" means that the standards established by the board are met.
4. "Authority" means legal authority granted through licensure to provide medical imaging or radiation therapy services to patients.
5. "Authorized user" means a physician, dentist, or podiatrist who is licensed as required to possess and use radioactive materials under North Dakota Century Code chapter 23.1-03.
6. "Bone densitometry technologist" means an individual, other than a licensed practitioner, that is responsible for administration of ionizing radiation to humans to determine the density of bone structure for diagnostic, therapeutic or research purposes.
7. "Cardiac electrophysiology specialist" means an individual, other than a licensed practitioner, who assists with limited fluoroscopic radiologic procedures, sonography, or diagnostic and interventional cardiac electrophysiology procedures.
8. "Cardiac-interventional technologist" means an individual, other than a licensed practitioner, that is responsible for the administration of ionizing radiation to humans to visualize cardiac structures for diagnostic, therapeutic or research purposes.
9. "Cardiovascular invasive specialist" means an individual, other than a licensed practitioner, who assists with medical equipment emitting ionizing radiation for fluoroscopic radiologic procedures or performs sonography procedures that are limited to specific body parts and only for cardiovascular interventional procedures.

10. "Competence" means the application and integration of knowledge, skills, ability, and judgment necessary to meet standards.
11. "Computed tomography technologist" means an individual, other than a licensed practitioner, who is responsible for the administration of ionizing radiation to humans for diagnostic, therapeutic or research purposes.
12. "Conditional license" means a license issued by the board to an individual that may or may not have graduated from a program and is actively working toward certification and registration.
13. "Continuing education" means a relevant education activity or program that has been approved by an organization or entity, which has been recognized or authorized by a certification organization to approve or provide continuing education or continuing medical education activities for medical imaging or radiation therapy professionals.
14. "Criminal history record information" shall have the same meaning as the phrase is defined in North Dakota Century Code section 12-60-16.1.
15. "Internationally educated" means educated outside the United States.
16. "Jurisdiction" means a province, state, or territory that certifies, registers, or licenses medical imaging or radiation therapy professionals to practice.
17. "Lapsed" means a license which is not renewed.
18. "License" means the legal authority granted by the board to practice one or more of the medical imaging and radiation therapy modalities.
19. "Licensure" means the process by which the board grants legal authority to an individual to engage in the practice of medical imaging or radiation therapy upon finding that the individual has attained the essential education, certification and competence, or on the job training, necessary to ensure that the public health, safety, and welfare will be protected.
20. "Limited license" means to restrict, qualify, or otherwise modify the license related to a scope of practice.
21. "Limited x-ray machine operator" means an individual who performs radiologic examination and has completed the necessary didactic and clinical training required to follow strict guidelines in the performance of limited series x-ray procedures.
22. "Magnetic resonance imaging technologist" means an individual other than a licensed practitioner, who uses radiofrequency transmission within a high

strength magnetic field on humans for diagnostic, therapeutic or research purposes.

23. “Mammography technologist” means an individual, other than a licensed practitioner, who is responsible for administration of ionizing radiation and breast directed high frequency sound waves for diagnostic, therapeutic and research purposes and performs breast imaging procedure and related techniques, producing data.
24. “Medically underserved areas” means having met the criteria based on the Index of Medical Underservice, published in the *Federal register* on October 15, 1976. See 42 CFR 51C.102. *U.S. of health and human services*- health resources and services administration.
25. “Nuclear medicine technologist” means an individual, other than an authorized user, who prepares and administers radiopharmaceuticals and related drugs to human beings for diagnostic and research purposes, and is responsible for the use of ionizing and non-ionizing radiation and molecular imaging, performs in vivo and in vitro detection and measurement of radioactivity and administers radiopharmaceuticals to human beings for therapeutic purposes.
26. “Other modality” means the practice of one or more of the medical imaging and radiation therapy recognized professions who is in compliance with the continuing education requirements established by the board.
27. “Primary source verification” means the process used by the board or its designee to confirm certification and registration information submitted by the applicant or licensee with the appropriate certification organization.
28. “Quality management technologist” means an individual, other than a licensed practitioner, who has received specific documented training to perform physics surveys independently with medical physicist oversight and may assist a medical physicist for special modality physics surveys. The licensee may also supervise quality control and quality improvement projects that ensure improved medical imaging and radiation therapy department performance.
29. “Radiographer” means an individual, other than a licensed practitioner, who performs a comprehensive set of diagnostic radiographic procedures using external ionizing radiation or magnetic fields, radio waves, and field gradients to produce radiographic, fluoroscopic, magnetic resonance, or digital images.
30. “Radiologist assistant” means an individual, other than a licensed practitioner, who is a medical radiographer with advanced-level training and

certification, and performs selected radiology examinations and procedures.

31. “Radiology” means the branch of medicine that deals with the study and application of imaging technology to diagnose and treat disease.
32. “Reinstatement” means issuance of a previously active license in the absence of disciplinary action.
33. “Relicensure” means renewal, reinstatement, or reissuance of a license.
34. “Scope of practice” means the delineation of the nature and extent of practice.
35. “Sonographer” means an individual, other than a licensed practitioner, who uses non-ionizing high frequency sound waves with specialized equipment to direct the sound waves into areas of the human body to generate images for the assessment and diagnosis of various medical conditions.
36. “Supervision” means responsibility for and control of, quality, radiation safety and protection, and technical aspects of the application of ionizing and non-ionizing radiation to human beings for diagnostic or therapeutic purposes:
 - a. “General”- means the licensee is under the overall direction and control of a licensed practitioner or an authorized user whose presence is not required during the performance of the procedure.
 - b. “Personal” – means the licensed practitioner must be in attendance in the room during the performance of the procedure.
37. “Temporary license” means the authority to practice for a limited time period not to exceed 180 days.
38. “Vascular interventional technologist” means an individual, other than a licensed practitioner, that is responsible for the administration of ionizing radiation to humans to visualize vascular structures for diagnostic, therapeutic or research purposes.

History: Effective ____1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09.

CHAPTER 114-01-03 FEES

Section

114-01-03-01

Fees

114-01-03-01. Fees. The board shall set fees in such an amount as to reimburse the operational cost of licensure services rendered. All fees are nonrefundable.

1. Application fee (Initial for all modalities): \$25.00.
2. Bone densitometry technologist and limited x-ray machine operator:
 - a. Biennial renewal: \$75.00.
 - b. Endorsement fee: \$75.00 plus the application fee.
 - c. Initial licensure application fee: \$75.00 plus the application fee.
 - d. Late biennial renewal fee for an individual **not practicing** and is **not** currently licensed: biennial renewal fee plus an additional \$50.00 reinstatement fee, if the application is postmarked on or between January 2 and March 1.
 - e. Late biennial renewal fee for an individual **practicing** and is not currently licensed: **double** biennial renewal fee plus an additional \$50.00 reinstatement fee, if the application is postmarked on or between January 2 and March 1.
 - f. Renewal of licensure after March 1 must be approved by the board prior to issuance of a license.
3. Conditional license fee: \$150 and an application fee. This fee may be prorated towards the initial licensure fee. This only applies to an individual who does not currently hold a license in a primary modality.
4. Duplicate license request: \$10.00.
5. Primary modalities as defined in North Dakota Century Code 43-62-01(7) including cardiac electrophysiology specialist and cardiovascular invasive specialist:
 - a. Biennial renewal: \$150.00.
 - b. Endorsement fee: \$150.00 plus the application fee.

- c. Initial licensure application fee: \$150.00 plus the application fee.
 - d. Late biennial renewal fee for an individual **not practicing** and is **not** currently licensed: biennial renewal fee plus an additional \$50.00 reinstatement fee, if the application is postmarked on or between January 2 and March 1.
 - e. Late biennial renewal fee for an individual **practicing** and is not currently licensed: **double** biennial renewal fee plus an additional \$50.00 reinstatement fee, if the application is postmarked on or between January 2 and March 1.
 - f. Renewal of licensure after March 1 must be approved by the board prior to issuance of a license.
- 6. Reinstatement fee for all licensees: \$50.00.
 - 7. Request for licensee mailing information: \$25.00.
 - 8. Temporary licensure fee \$40.00 plus the application fee. This fee may be prorated towards the initial licensure fee.
 - 9. The expiration date of an initial license will be consistent with the two-year cycle. An individual who is licensed after September 1 of the second year of a two-year cycle, will be issued a license that will expire at the conclusion of the following two-year cycle.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09(6);43-62-16.

**ARTICLE 114-02
LICENSE REQUIREMENTS**

Chapter	
114-02-01	Initial licensure
114-02-02	Renewal of license
114-02-03	Licensure by endorsement
114-02-04	Recognition of education programs and student requirements
114-02-05	Recognized certification organizations and credentials

**CHAPTER 114-02-01
INITIAL LICENSURE**

Section	
114-02-01-01	Requirements for licensure of primary modalities
114-02-01-02	Limited x-ray machine operator
114-02-01-03	Bone densitometry technologist
114-02-01-04	Requirements for continuing education for other modalities recognized by the board
114-02-01-05	Cardiac electrophysiology specialist
114-02-01-06	Cardiovascular invasive specialist
114-02-01-07	Qualifications of initial applicants for licensure for primary modalities
114-02-01-08	Requirements for temporary license
114-02-01-09	Requirements for conditional license
114-02-01-10	Grandfather clause

114-02-01-01. Requirements for licensure for primary modalities. An individual may be licensed in one or more of the primary modalities. An individual must meet the following requirements for the primary modalities:

1. "Magnetic resonance imaging technologist" must have satisfactorily completed the academic requirements of a magnetic resonance imaging technology accredited program or must have satisfactorily completed a course of study including clinical experience requirements for certification in magnetic resonance imaging or hold current certification and registration in magnetic resonance imaging technology. The individual:
 - a. May perform such procedures only while under the general supervision by a licensed practitioner.
 - b. Must hold current certification and registration by one of the following:
 - (1) American registry of magnetic resonance imaging technologists;

- (2) American registry of radiology technologist in magnetic resonance imaging technology;
 - (3) Submits verification of actively working towards certification requirements in magnetic resonance imaging technology;
 - (4) Has met other requirements established by the board and has successfully passed the North Dakota state administered examination; or
 - (5) Has met the requirements of a successor organization or the equivalent as recognized by the board.
 - c. Must biennially complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.
 - d. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).
2. "Nuclear medicine technologist" must have satisfactorily completed an education accredited program in nuclear medicine technology and must hold current certification and registration in nuclear medicine technology. The individual:
 - a. May perform such procedures only while under the general supervision by an authorized user who is licensed to possess and use the radiopharmaceuticals involved.
 - b. Must hold current certification and registration by one of the following:
 - (1) Nuclear medicine technologist certification board;
 - (2) American registry of radiologic technologists in nuclear medicine technology;
 - (3) Has met other requirements established by the board and has successfully passed the North Dakota state administered examination; or
 - (4) Has met the requirements of a successor organization or the equivalent as recognized by the board.

- c. Must biennially complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.
 - d. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).
- 3. "Radiation therapist" must have satisfactorily completed an accredited education program and hold a baccalaureate or an associate degree or must hold a current certification and registration in radiation therapy. The individual:
 - a. May perform such procedures:
 - (1) Using x-ray machines and particle accelerators only while under the general supervision by an authorized user for external beam radiation therapy as defined by the requirements in North Dakota Century Code chapter 22.1-03; and
 - (2) Using sealed radioactive sources only while under the supervision of an authorized user of radioactive material as defined by the requirements in North Dakota Century Code chapter 23.1-03.
 - b. Must hold current certification and registration by one of the following:
 - (1) American registry of radiologic technologists in radiation therapy or has met the requirements of a successor organization or the equivalent as recognized by the board.
 - (2) Has met other requirements established by the board and has successfully passed the North Dakota state administered examination.
 - c. Must biennially complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.
 - d. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).

4. “Radiographer” must have satisfactorily completed an accredited education program and must hold a baccalaureate or an associate degree or hold a current certification and registration in radiography. The individual:
 - a. May perform such procedures only while under the general supervision by a licensed practitioner.
 - b. Must hold current certification and registration by one of the following:
 - (1) American registry of radiologic technologists or has met the requirements of a successor organization or the equivalent as recognized by the board.
 - (2) Has met other requirements established by the board and has successfully passed the North Dakota state administered examination.
 - c. Must biennially complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.
 - d. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).

5. “Radiologist assistant” must have satisfactorily completed an accredited education program and must hold a baccalaureate or master’s degree. The individual:
 - a. May perform such procedures only while under general supervision of a radiologist.
 - b. Must hold current certification and registration as a radiographer by American registry of radiologic technologists; and
 - c. Must hold advanced level current certification by one of the following:
 - (1) American registry of radiologic technologists as a radiologist assistant;
 - (2) Certification board of radiology practitioner assistants as a radiology practitioner assistant; or
 - (3) Has met the requirements of a successor organization or the equivalent as recognized by the board.

- d. Must biennially complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.
 - e. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).
6. "Sonographer" must hold a certificate, associate degree or baccalaureate degree and must satisfactorily complete the academic requirements and fulfill the clinical ultrasound requirements or hold current certification and registration in sonographer. The individual:
- a. May perform such procedures only while under the general supervision by a licensed practitioner.
 - b. Must hold current certification and registration by one of the following or a successor organization or the equivalent as recognized by the board:
 - (1) American registry for diagnostic medical sonography;
 - (2) American registry of radiologic technologists in sonography;
 - (3) Cardiovascular credentialing international;
 - (4) Sonography Canada; or
 - (5) Has met the requirements established by the board and has successfully passed the North Dakota state administered examination.
 - c. Must biennially complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.
 - d. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).

History: Effective _____ 1, 2018.

Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09(5);43-62-14;43-62-15(2).

114-02-01-02. Limited x-ray machine operator.

1. A limited license under the provision of this chapter may be issued provided the applicant was designated by the North Dakota department of health as a limited x-ray machine operator prior to the effective date specified by section 75 of 2017 senate bill 2327 and is actively practicing immediately prior to that date and does not have an encumbered license or other restricted practice in any jurisdiction and must meet board requirements, including continuing education requirements and training. The individual:
 - a. May perform limited series procedures only while under the general supervision by a licensed practitioner.
 - b. Upon renewal must biennially complete 12 hours of continuing education.
 - c. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).
2. After the date specified in the above subsection, an initial applicant for limited x-ray machine operator:
 - a. Must have satisfactorily completed the academic requirements of a structured limited x-ray machine operator program recognized by the board;
 - b. Must demonstrate practical clinical competency in limited x-ray machine operator technology as verified by a licensed American registry of radiologic technologist radiographer or other designee as approved by the board, on a form provided by the board;
 - c. Has successfully passed the North Dakota state administered examination in limited scope of practice radiography;
 - d. May perform limited series procedures only while under the general supervision by a licensed practitioner;
 - e. Must biennially complete 12 hours of continuing education;
 - f. The individual must complete a criminal history record check as required in section 114- 03-02-01; and
 - g. Must meet other requirements established by the board. See Appendix A for practice standards.

3. In order to be eligible for licensure as a limited x-ray machine operator after completing the requirements of subsection 2, an applicant must hold at least one of the following licenses:
 - a. Medical technologist, medical laboratory technician or clinical lab technician;
 - b. Occupational therapist or occupational therapy assistant;
 - c. Physical therapist or physical therapy assistant;
 - d. Physician assistant or orthopedic physician assistant;
 - e. Registered nurse or licensed practical nurse;
 - f. Otherwise, an individual may petition the board for licensure if the individual's education background is substantially similar to the above.

History: Effective: Effective on the date specified by section 75 of 2017 senate bill 2327.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-14;43-62-15;12-60-24.

114-02-01-03. Bone densitometry technologist.

1. "Bone densitometry technologist" must have satisfactorily completed a course of study in bone densitometry. The individual:
 - a. May perform such procedures only while under the general supervision of a licensed practitioner.
 - (1) Must hold current registration and certification in a primary modality;
 - (2) Registration and certification from the international society for clinical densitometry or has met the requirements of a successor organization or the equivalent as recognized by the board; or
 - (3) Has successfully passed the North Dakota state administered examination in bone densitometry.

- b. Must biennially complete 5 hours of continuing education.
 - c. The individual must complete a criminal history record check as required in section 114- 03-02-01.
 - d. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).
2. In order to be eligible for licensure as a bone densitometry technologist after completing the requirements in subsection 1, the applicant must hold at least one of the following licenses:
- a. Medical technologist, medical laboratory technician or clinical laboratory technician;
 - b. Occupational therapist or occupational therapy assistant;
 - c. Physical therapist or physical therapy assistant;
 - d. Physician assistant or orthopedic physician assistant;
 - e. Registered nurse or licensed practical nurse;
 - f. Otherwise, an individual may petition the board for licensure if the individual's education or research background is substantially similar to the above.

History: Effective on the date specified by section 75 of 2017 senate bill 2327.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-14;43-62-15;12-60-24.

114-02-01-04. Requirements for continuing education for other modalities recognized by the board.

- 1. An individual must be continuing education compliant in each modality of practice and may practice in more than one modality and all the modalities will be acknowledged on the license.
- 2. In order to practice in a modality other than primary modalities, an individual must meet the following requirements:

- a. Must biennially complete the continuing education; or
 - b. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).
3. The following modalities will be monitored for continuing education compliance only:
- a. Cardiac-interventional technology;
 - b. Computed tomography technology;
 - c. Mammography technology;
 - d. Quality management technology;
 - e. Vascular-interventional radiography technology; and
 - f. Other modalities as recognized by the board.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-14(3).

114-02-01-05. Cardiac electrophysiology specialist. “Cardiac electrophysiology specialist” must have satisfactorily completed all requirements as set by a certification organization recognized by the board or hold current certification and registration. The individual:

1. May assist with the performance of fluoroscopy procedures only while under personal supervision by licensed practitioner; and
 - a. Must hold current certification and registration as a cardiac electrophysiology specialist by the cardiovascular credentialing international;
 - b. Must submit verification of actively working towards certification requirements as a cardiac electrophysiology specialist; or
 - c. Must meet the requirements of a successor organization or the equivalent as recognized by the board.

2. Must biennially complete 12 hours of fluoroscopy safety and relevant radiation protection continuing education.
3. The individual must complete a criminal history record check as required in section 114- 03-02-01.
4. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09(15);43-62-14(4)(7);12-60-24.

114-02-01-06. Cardiovascular invasive specialist. “Cardiovascular invasive specialist” must have satisfactorily completed all requirements as set by a certification organization recognized by the board or hold current certification and registration. The individual:

1. May assist with the performance of fluoroscopy procedures only while under personal supervision by a licensed practitioner; and
 - a. Must hold current certification and registration as a cardiovascular invasive specialist by the cardiovascular credentialing international;
 - b. Must submit verification of actively working towards certification requirements as a cardiac invasive specialist; or
 - c. Must meet the requirements of a successor organization or the equivalent as recognized by the board.
2. Must biennially complete 12 hours of fluoroscopy safety and relevant radiation protection continuing education.
3. The individual must complete a criminal history record check as required in section 114- 03-02-01.
4. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09(15);43-62-14(4)(7);12-60-24.

114-02-01-07. Qualifications of applicants for initial licensure for a primary modality.

1. An applicant for initial licensure under the provision of this chapter must not have an encumbered license or other restricted practice in any jurisdiction, must meet board requirements and submit the following:
 - a. A completed application and the nonrefundable fee required in section 114-01-03; and
 - (1) An official transcript from an accredited program;
 - (2) Other documents that verify successful completion of medical imaging or radiation therapy education approved in a jurisdiction which meets or exceeds those requirements in chapter 114-02-01 for each modality. The applicant is applying for licensure as defined in sections 114-02-01-01 or 114-02-01-02 or 114-02-01-03;
 - (3) Primary source verification of current certification and registration recognized by the board in each primary modality of practice; and
 - (4) Otherwise an applicant must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).
2. An applicant must complete a criminal history record check as required in section 114-03- 02-01.
3. The expiration date of an initial license will be consistent with the two-year cycle. An individual who is licensed after September 1 of a two-year cycle, will be issued a license that will expire at the conclusion of the following two-year cycle.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-02;43-62-14;12-60-24.

114-02-01-08. Requirements for temporary license.

1. An applicant for a temporary license under the provision of this chapter must not have an encumbered license or other restricted practice in any jurisdiction, must meet board requirements, and:
2. An applicant must submit a completed application and the nonrefundable fee required in section 114-01-03; and:
 - a. Provide evidence of currently meeting all education requirements to include a completed official transcript or notarized letter from program director; and
 - b. Must complete a criminal history record check as required in section 114-03-02-01; and
3. An applicant must submit evidence that the applicant:
 - a. Will provide services in a medically underserved area of North Dakota; or
 - b. Provide documentation of registration time frame for taking the examination or that the applicant is awaiting registration and certification examination results.
4. The temporary license will expire at the earlier of 180 days from issuance or when the board grants or denies a regular license.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09(15);43-62-14;43-62-16(2);12-60-24.

114-02-01-09. Requirements for conditional license.

1. A conditional license under the provision of this chapter may be issued provided the applicant does not have an encumbered license or other restricted practice in any jurisdiction, and provide evidence of meeting board requirements, including continuing education requirements and training. The individual must:

- a. Submit a completed application and the nonrefundable fee as required in section 114-01-03; and
 - (1) An official transcript from an accredited educational program; or
 - (2) Other documents that verify pending or successful completion of a medical imaging or radiation therapy education program which:
 - (a) Has been approved in any jurisdiction that has substantially equivalent standards; and
 - (b) Meets or exceeds those requirements in chapter 114-02-01 for each modality in which the individual is applying for licensure as defined in sections 114-02-01-01; or 114-02-01-02; or 114-02-01-03; or 114-02-01-04; or 114-02-01-05; or 114-02-01-06.
 - b. Submit verification of actively working towards completion of the program requirements.
2. An applicant for a conditional license must also submit verification of actively working toward certification and registration; and
 - a. Meets standards specifically set by the board on a case-by-case basis for continuing education requirements and training for each modality; or
 - b. Has met other requirements as established by the board and is actively working toward meeting the requirements to take the North Dakota state administered examination.
 - c. Otherwise an applicant must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).
 3. A conditional license may be issued to an applicant who began practice after December 31, 2016.
 4. The conditional license will expire two years from the date of issuance and may be renewed one time or as otherwise approved by the board.
 5. A conditional license may not be renewed if the applicant has attained a license in a primary modality.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62- 09(15); 43-62-14;12-60-24.

114-02-01-10. Grandfather clause.

1. A license may be issued provided the applicant does not have an encumbered license or other restricted practice in any jurisdiction. The individual:
 - a. Is eligible to be licensed only within the scope of the individual's current practices;
 - b. Must submit verification from a department manager or employer that the individual has been practicing medical imaging and radiation therapy in a primary modality:
 - (1) That began practice prior to January 1, 2017; and
 - (2) Has practiced for three or more of the five years preceding; and
 - c. Must be in compliance with the certification organization's continuing education and other requirements for the modality in which the individual is currently practicing.
2. Otherwise the applicant must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7), which may include one or more of the following:
 - a. Additional education requirements such as academic courses or courses of study;
 - b. A Limitation of scope of practice;
 - c. Evidence of continuing education seminars or workshop;
 - d. Evidence of departmental accreditation in the relevant modalities of practice such as American college of radiology or inter-societal accreditation commission;
 - e. Onsite evaluation for assurance of meeting the professional guidelines;

- f. Verification of on the job training; or
 - g. Other requirements as determined by the board to protect the public health, safety and welfare.
3. A grandfathered license shall be eligible for renewal of such license under the conditions and standards prescribed in this chapter.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-02;43-62-14(7).

CHAPTER 114-02-02 RENEWAL OF LICENSE

Section

114-02-02-01	Requirements for license renewal
114-02-02-02	Reinstatement of a license
114-02-02-03	General diagnostic operator
114-02-02-04	Continuing education requirement for relicensure

114-02-02-01. Requirements for licensure renewal- Licenses are renewable biennially.

1. A licensee will be notified at least thirty days in advance of expiration of the license and must submit the following:
 - a. A completed renewal application and the nonrefundable fee required in section 114-01-03 postmarked prior to January 2 in even numbered years; and
 - b. Evidence of current certification and registration by the certification organization in at least one primary modality and if applicable, other modalities for which the licensee holds current certification and registration unless grandfathered or otherwise exempt by statute.
2. The board may grant, on a case-by-case basis, exceptions to the board's license renewal requirements to address renewal compliance hardships that may result from one of the following:
 - a. Activation of more than thirty days of a licensee who is a member of the national guard or armed forces of the United States;
 - b. Service in the theater or area of armed conflict by a licensee who is a member of the regular active duty armed forces of the United States; or
 - c. Medical or other hardship rendering the applicant unable to meet the renewal deadline or complete continuing education or other requirements.
3. A licensee applying for license renewal may be required to complete a criminal history record check as required in section 114-03-02-01.
4. The board may conduct random audits to ensure compliance with continuing education and maintenance of certification and registration requirements.

5. A license granted for a primary modality under sections 114-02-01-08 or 114-02-01-09 may not be renewed if the licensee attains a license in that modality.
6. If a licensee fails to timely renew a license, a late fee will be assessed in accordance with section 114-01-03-01.
7. The expiration date of a renewed license will be consistent with the two-year cycle. An individual who has a license issued after September 1 of the second year of a two-year cycle, will be issued a license that will expire at the conclusion of the following two-year cycle.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-51-11;43-51-11.1;43-62-09;43-62-14;43-62-17.

114-02-02-02. Reinstatement of a license.

1. An individual previously licensed in North Dakota may apply for relicensure. The applicant must not have an encumbered license or other restricted practice in any jurisdiction, must meet board requirements and submit the following:
 - a. A completed application and pay the nonrefundable renewal and reinstatement fee required in section 114-01-03;
 - b. A criminal history record check as required in section 114-03-02-01; and
 - c. Primary source verification of current certification and registration by a certification organization recognized by the board or as otherwise exempt by statute.
2. The expiration date of a license will be consistent with the two-year cycle. An individual who is licensed after September 1 of the second year of a two-year cycle, will be issued a license that will expire at the conclusion of the following two-year cycle.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-17(3);12-60-24.

114-02-02-03. General diagnostic operator.

1. A license under the provision of this chapter may be renewed provided the applicant was designated by the North Dakota department of health as a general diagnostic operator as of December 31, 2015 and does not have an encumbered license or other restricted practice in any jurisdiction and must meet board requirements, including continuing education requirements and training. The individual:
 - a. May perform procedures only while under the general supervision by a licensed practitioner; and
 - b. Must hold current certification and registration by one of the following:
 - (1) American registry of radiologic technologists or has met the requirements of a successor organization or the equivalent as recognized by the board;
 - (2) Has the equivalent education including clinical training as approved by the North Dakota department of health; or
 - (3) Has met other unique requirements established by the board.
2. The individual must biennially complete the 24 hours of continuing education.
3. The individual must complete a criminal history record check as required in section 114-03-02-01.
4. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-14;12-60-24.

114-02-02-04. Continuing education requirement for relicensure. This requirement will become effective for license renewal of the 2022 renewal cycle and continuing thereafter.

1. Continuing education for purposes of relicensure must be:
 - a. Accepted by an applicable certification organization to maintain certification and registration and earned within the previous two year renewal cycle;
 - b. Otherwise the individual must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).
2. A licensee must meet or exceed the hours of continuing education required to maintain certification and registration by an applicable certification organization.
3. Random audits may be conducted to assure continuing education requirement compliance.
4. All information concerning continuing education submitted with an application is subject to audit.
5. Upon request of the board, the licensee shall submit verification of successful completion of the required continuing education.
6. A licensee who does not meet the continuing education requirements for maintaining certification and registration, or if the continuing education is not properly approved, or if the licensee fails to provide verification of completion of the required continuing education:
 - a. May be placed on probation and given sixty days to complete the required continuing education, and as applicable, provide evidence of current certification and registration by a certification organization to qualify for a license.
 - b. If required continuing education is not completed or the licensee fails to maintain a current certification and registration by an applicable certification organization, the license will be considered to be a lapsed license.
7. A licensee who earns in excess of the number of continuing education required during a reporting period shall not apply the excess hours to satisfy future continuing education requirements.

8. Continuing education that is required by the board pursuant to a board order shall not be accepted by the board to satisfy or partially satisfy the continuing education requirements for license renewal.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-14(3)

CHAPTER 114-02-03 LICENSURE BY ENDORSEMENT

Section

114-02-03-01	Requirements for licensure by endorsement
114-02-03-02	Military Spouse - Licensure

114-02-03-01. Requirements for licensure by endorsement.

1. Applicants licensed for medical imaging or radiation therapy in another jurisdiction may apply for license by endorsement. The applicant must not have an encumbered license or other restricted practice in any jurisdiction, must meet board requirements and submit the following:
 - a. A completed endorsement application in one or more of the modalities and pay the nonrefundable fee as required in section 114-01-03.
 - b. Verification of current licensure and compliance with continuing education requirements in another jurisdiction to include:
 - (1) An official transcript of program completion from an accredited program; or
 - (2) Other documents that verifies successful completion of a medical imaging or radiation therapy education or equivalent approved in any jurisdiction which meets or exceeds those requirements:
 - (a) In chapter 114-02-01 for each modality applying for licensure as described in sections 114-02-01-01; or 114-02-01-02; or 114-02-01-03; or 114-02-01-04; 114-02-01-05; or 114-02-01-06; or
 - (b) Otherwise the applicant must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).

2. The applicant must biennially complete the continuing education.
3. The applicant must complete a criminal history record check as required in section 114-03-02-01.
4. Otherwise the applicant must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).
5. The expiration date of the license will be consistent with the two-year cycle. An applicant who is licensed after September 1 in the second year of a two-year cycle will be issued a license that will expire at the conclusion of the following two-year cycle.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-14(6);12-60-24.

114-02-03-02. Military spouses – licensure.

1. Applicants licensed for medical imaging or radiation therapy in another jurisdiction may apply for a license. A military spouse applicant must not have an encumbered license or other restricted practice in any jurisdiction, must meet board requirements and must submit the following:
 - a. A completed application and pay the nonrefundable fee as required in section 114-01-03;
 - (1) Evidence that demonstrates continued competency in one or more medical imaging or radiation therapy modalities, which must include verification of experience for at least three years or more of the five years preceding the date of application;
 - (2) Otherwise the applicant must meet the unique licensure or practice standard requirements established by the board under North Dakota Century Code section 43-62-14(7).
2. The applicant must complete a criminal history record check as required in section 114-03-02-01.
3. A military spouse issued a license under this section has the same rights and duties other licensees.
4. A military spouse who does not meet the practice requirements outlined above may apply for licensure pursuant to section 114-02-03-01.

History: Effective _____ 1, 2018.
General Authority: NDCC 43-62.
Law Implemented: NDCC 43-51-11.1; 12-60-24.

CHAPTER 114-02-04
Recognition of Education Programs and Student Supervision

Section

114-02-04-01 Recognition of education programs
114-02-04-02 Student supervision

114-02-04-01. Recognition of education programs.

1. For the purpose of initial licensure to practice in medical imaging and radiation therapy modalities, the board will recognize education programs that are accredited by one or more of the following national accreditation organizations:
 - a. Commission on accreditation of allied health education programs;
 - b. Commission on accreditation of the American registry of magnetic resonance imaging technologists;
 - c. Council of regional institutional accrediting commissions;
 - d. Joint review committee on education in radiologic technology; or
 - e. Joint review committee on education programs in nuclear medicine technology.

2. The Board may also recognize an education program from another accreditation organization:
 - a. If the education program meets or exceeds the requirements set out in North Dakota Century Code 43-62-14 and has clinical education equivalent in amount and time of the board recognized programs.
 - b. Otherwise as approved by the board.

History: Effective _____ 1, 2018.
General Authority: NDCC 43-62
Law Implemented: NDCC 43-62-14(2)

114-02-04-02. Student supervision.

Students enrolled in and attending board recognized education programs for a medical imaging and radiation therapy modality are exempt from the requirements of licensure by the board. Students may only perform medical imaging and radiation therapy procedures for the modality in which the student is enrolled. Students must be under the supervision of a licensed practitioner or a licensee who is licensed in the modality in which the student is enrolled.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-03-(03).

CHAPTER 114-02-05
Recognized Certification Organizations and Credentials

114-02-05-01. Recognized certification organizations and credential.

1. The applicant's licensing title will be on the certificate including all modalities in which the licensee holds current certification and registration. The board recognizes the following certification organizations and their credentials:
 - a. American registry for diagnostic medical sonography (ARDMS);
 - b. American registry of magnetic resonance imaging technologists (ARMRIT);
 - c. American registry of radiologic technologists (ARRT);
 - d. Canadian association of medical radiation technologists (CAMRT);
 - e. Cardiovascular credentialing international (CCI);
 - f. Certification board of radiology practitioner assistants (CBRPA);
 - g. International society for clinical densitometry (ISCD);
 - h. Intersocietal accreditation commission (IAC);
 - i. Nuclear medicine technology certification board (NMTCB);
 - j. Sonography Canada; and
2. Other successor organizations as recognized by the board.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09; 43-62-14.

**TITLE 114
MEDICAL IMAGING and RADIATION THERAPY BOARD**

**ARTICLE 114-03
DISCIPLINARY ACTION**

Chapter	
114-03-01	Disciplinary Process
114-03-02	Criminal History Record Checks for Licensure

**CHAPTER 114-03-01
DISCIPLINARY PROCESS**

Section	
114-03-01-01	Definitions
114-03-01-02	Applicant Statement
114-03-01-03	Reporting violations
114-03-01-04	Investigations
114-03-01-05	Evidence and evaluation of treatment
114-03-01-06	Disposition
114-03-01-07	Cease and desist order
114-03-01-08	Board decision
114-03-01-09	Application for relicensure
114-03-01-10	Practice without a current license

114-03-01-01. Definitions. The terms used in this title have the same meaning as in North Dakota Century Code chapter 43-62 and apply to North Dakota Administrative Code title 114 unless the context indicates otherwise.

1. "Acts or omissions" means patterns of unsafe behavior, practice deficits, failure to comply with acceptable standards of practice, or grounds for discipline identified in North Dakota Century Code chapter 43-62 or this title.
2. "Cease & desist" means an order directing a licensee or applicant, or any other individual to halt purportedly unlawful activity ("cease") and not take it up again later ("desist").
3. "Denial" means the board's refusal to issue or renew a current license.
4. "Incompetence" means conduct that deviates from scope of practice approved by the board.
5. "Impaired" means the ability to practice safely has been affected by the use or abuse of alcohol or other drugs, psychiatric or physical disorders, or practice deficiencies.

6. "Letter of censure" means a formal action against a licensee or applicant whose practice does not meet the acceptable standard of practice.
7. "Major incident" means an act or omission in violation of North Dakota Century Code chapter 43-62 or this title which indicates an applicant or licensee continuing to practice poses a high risk of harm to the patient.
8. "Minor incident" means an act or omission in violation of North Dakota Century Code chapter 43-62 or this title which indicates an applicant or licensee's continuing to practice poses a low risk of harm to the patient.
9. "Misappropriation of property" means the patterned or knowing, willful, or intentional misplacement, exploitation, taking, or wrongful, temporary, or permanent use of a patient's, employer's, or any other person's or entity's belongings, money, assets, or property without consent.
10. "Neglect" means a disregard for and departure from the standards of care which has or could have resulted in harm to the patient.
11. "Practice deficiency" means a practice activity that does not meet the standards of medical imaging and radiation therapy practice.
12. "Probation" means restrictions, requirements, or limitations placed against a licensee through monitoring for a prescribed period of time.
13. "Professional boundaries" means the provision of services within the limits of one of the modalities and patient relationship which promote the patient's dignity, independence, and best interests and refrain from inappropriate involvement in the patient's or patient's family personal relationships.
14. "Professional-boundary violation" means a failure of a licensee to maintain appropriate boundaries with a patient, patient family member, or other health care provider.
15. "Professional misconduct" means any practice or behavior that violates the applicable standards governing the individual's practice necessary for the protection of the public health, safety, and welfare.
16. "Relicensure" means renewal, reinstatement, or reissuance of a license or registration.
17. "Revocation" means the withdrawal by the board of the licensee's right to practice for a specified length of time of no less than one year. If no specified length of time is identified by the board, revocation is permanent.

18. "Suspension" means withholding by the board of the license of the right to practice medical imaging and radiation therapy for a specified or indefinite period of time.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09.

114-03-01-02. Applicant statement.

1. If an applicant for initial or renewal of licensure has been arrested, charged, or convicted of a misdemeanor or felony offense an applicant must provide the necessary information for the board to determine the bearing upon that person's ability to perform as a licensed medical imaging and radiation therapy professional.
2. Upon receipt of evidence of sufficient rehabilitation as outlined in North Dakota Century Code section 12.1-33-02.1, the board may issue a license.
3. If the board believes the information does not substantiate sufficient rehabilitation, the applicant may request a hearing pursuant to North Dakota Century Code chapter 28-32.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62; 12.1-33-02.1.

Law Implemented: NDCC 43-62-09(12); 43-62-19(15).

114-03-01-03. Reporting violations.

1. Licensees, applicants, or citizens may use the following process to report any knowledge of acts or omissions by an individual that may violate North Dakota Century Code chapter 43-62 or this title:
2. Minor incident:
 - a. If the act or omission meets the criteria for management of a minor incident, the applicant or licensee, should be aware of and follow the established policy within the practice setting for minor incidents. The established policy in the licensee's practice setting should detect patterns of unsafe behavior that may be considered minor incidents and take corrective action resulting in safe practice.
 - b. May be handled in the practice setting with a corrective action process if all the following factors exist:

- (1) Potential risk of harm to others is low;
 - (2) There is no pattern of recurrence;
 - (3) The licensee exhibits evidence of remediation and adherence to standards of practice; and
 - (4) The corrective action process results in the licensee possessing the knowledge, skills, and abilities to practice safely.
 - c. Other factors may be considered in determining the need to report the incident such as the significance of the event in the particular practice setting, the situation in which the event occurred and the presence of contributing or mitigating circumstances in the system.
 - d. Nothing in this rule is intended to prevent reporting of a minor incident or potential violation directly to the board.
3. Major incident. If the act or omission is a major incident or factors are present that indicate a duty to report the licensee or applicant. The licensee's or applicant's supervisor or employer must report the alleged violation to the board in the manner and form provided by the board. The report should include requested information about the act or omission, the individuals involved, and the action taken within the practice setting.
 4. Termination of employment. When a licensee or applicant terminates from the practice setting, either voluntarily or by request, due to conduct that may be grounds for discipline under the medical imaging and radiation therapy practices act or this title, a report shall be made to the board by the licensee or applicant, and may be reported by the employer or supervisor in the manner and form provided by the board.
 5. Self-reporting. A licensee or applicant shall provide written notice of explanation and a copy of the applicable documents to the board within thirty days from the date of any criminal, malpractice, administrative, civil, or disciplinary action in this or any other jurisdiction, or a certification organization, or any other action taken against the licensee or applicant for any conduct that may affect patient safety or otherwise relates adversely to the practice of medical imaging and radiation therapy. This includes failure to complete applicable continuing education requirements or other applicable certification organization requirements for maintenance of the licensee's or applicant's registration and certification.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09(7)(8); 43-62-19(15).

114-03-01-04. Investigation.

Complaints, requests for investigation, and reports of acts or omissions that are in violation of North Dakota Century Code chapter 43-62 of this title will be investigated by the board or by its direction to determine whether sufficient grounds exist to file a complaint according to North Dakota Century Code chapter 28-32. The board or its investigative panel may subpoena witnesses, records, and any other evidence relating to the investigation. Any protected health information which is obtained by the board is an exempt record as defined in North Dakota Century Code section 44-04-17.1.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09(7); 43-62-11; 43-62-19(15).

114-03-01-05. Evidence and evaluation of treatment.

1. The board may require the individual subject to an investigation to submit to a mental health, chemical dependency, or physical evaluation if, during the course of the investigation, there is reasonable cause to believe that any licensee or applicant is unable to practice with reasonable skill and safety or has abused alcohol or drugs.
2. The board may require a copy of the evaluation to be submitted from the evaluating professional directly to the board.
 - a. Upon failure of the licensee or applicant to submit to the evaluation within thirty days of the request, the board may suspend the licensee's license or deny or suspend consideration of any pending application until the licensee or applicant submits to the required evaluation.
 - b. The licensee or applicant shall bear the cost of any mental health, chemical dependency, or physical evaluation and treatment required by the board.
 - c. The board may suspend or revoke an individual's license if it is determined that the individual is unsafe to practice. The suspension

or revocation will remain in effect until the individual demonstrates to the satisfaction of the board the ability to safely return to the practice.

- d. The board may deny the individual's application for licensure if it is determined that the individual is unsafe to practice. The denial will remain in effect until the individual demonstrates to the satisfaction of the board the ability to safely practice.
3. Any protected health information which is obtained by the board is an exempt record as defined in North Dakota Century Code section 44-04-17.1.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09(13); 43-62-11; 43-62-19(3)(4).

114-03-01-06. Disposition.

1. Investigation may result in one of the following:
 - a. Informal resolution and disposition by the board.
 - b. Formal resolution and disposition by the board:
 - (1) The board may use an administrative law judge to preside over the entire administrative proceeding and prepare recommended findings of fact, conclusions of law, and recommended order for board consideration; or
 - (2) The board may use a procedural hearing officer for the conduct of the hearing at which a majority of board members must be present at the hearing;
2. Dismissal. If the board's investigative panel determines that the alleged violation is frivolous, would not constitute grounds for disciplinary action, is outside the jurisdiction of the board, or is otherwise inappropriate for board action, the complainant and the affected licensee shall be notified in writing that the board will not pursue the matter, stating the grounds for the decision;
3. Referral to another agency; or
4. Other action as directed by the board.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62; 28-32.

Law Implemented: NDCC 43-62-09; 43-62-18; 43-62-19(7); 43-62-20.

114-03-01-07. Cease and desist order.

When it appears by credible evidence that a cease and desist order is necessary, the president of the board or the authorized designee, after consultation with the office of the attorney general may issue an order directing a licensee, applicant, or any other individual practicing medical imaging and radiation therapy in violation of North Dakota Century Code Chapter 43-62 or this title to cease and desist certain actions.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09(14).

114-03-01-08. Board decision.

The final decision will be adopted by a majority of a quorum of the board and will include findings of fact, conclusions of law, and an order. The decision of the board to impose or modify any restrictions upon the licensee or the licensee's practice or to reinstate a license will be communicated to the licensee in the form of a board order. If a licensee is authorized to practice in more than one modality of medical imaging and radiation therapy, the board order applies to all modalities. In addition to the terms and conditions imposed by the board, the following may apply:

1. Revocation of license. If the board issues a revocation order, it may also prescribe the specific actions necessary for the relicensure of the individual. The certification process may be waived by the board as a condition for the relicensure of a previously revoked license. The initial licensure fee will be assessed for the relicensure of a revoked license. The time frame of revocation will be set in the order of the revocation or if not set it will be five years from the date of the board order.
2. Suspension of license. If the board issues a suspension order, it may also prescribe the length of suspension and specific actions necessary for the relicensure of the individual. An individual whose license is suspended may request relicensure by the board at any regularly scheduled meeting following the conclusion of the time period specified in the order. The current renewal fee will be required for relicensure of a suspended license.
3. Probation. If the board issues a probation order, it may prescribe the length of probation and specific actions necessary for successful

completion of the probation. The license shall be designated in the board's records as "probation" or as the board may otherwise require. If a licensee is authorized to practice in more than one modality of medical imaging and radiation therapy, the probation applies to all modalities.

4. Denial. If the board issues an order to refuse to issue or renew a current license for cause, it may also prescribe the specific action necessary for the issuance or the reissuance of the license.
5. Letter of censure. The board may issue a letter of censure as formal action against an applicant or licensee whose practice does not meet the acceptable standard of practice.
6. Imposition of a penalty. The board may levy a penalty against an individual who has knowingly practiced medical imaging or radiation therapy without proper authorization or who has jeopardized public health, safety, or welfare.
7. Conditional dismissal. The board may impose terms and conditions for the individual to meet and upon compliance the complaint will be dismissed.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-18.

114-03-01-09. Application for relicensure.

1. An individual whose license has been suspended, or revoked by the board may:
 - a. Request a written application for relicensure in the manner and form required by the board at the conclusion of the time period specified in the order; and
 - b. Pay the nonrefundable reinstatement fee and an application fee as required in section 114-01-03 for an application for relicensure of a suspended or revoked license. The burden of proof is on the licensee to prove to the satisfaction of the board that the condition that led to a sanction no longer exists or no longer has a material bearing on the licensee's professional ability; and
 - c. Schedule an appearance for the next board meeting if received at least 30 days prior.

2. The board may:
 - a. Consider the written application for relicensure at the next regularly scheduled board meeting.
 - b. Schedule a vote for relicensure.
 - c. Impose reasonable terms and conditions to be imposed prior to relicensure, or as a condition of relicensure. If the board denies relicensure, reasons for denial must be communicated to the applicant.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09; 43-62-18.

114-03-01-10. Practice without a current license.

1. An individual who performs medical imaging or radiation therapy without proper authorization by the board is practicing without a license. The board may issue a cease and desist order, obtain a court order or injunction, or seek civil or criminal action or fines to halt the unlicensed practice, a violation of North Dakota Century Code 43-62, or a violation of this title.
2. On or between January 2 and March 1 of the first year of the current license cycle, an individual seeking to renew a license who has failed to complete the licensure process within the required time period and has been found to have been practicing unintentionally without a current license shall be required to:
 - a. Submit a completed application and the nonrefundable fees as required in section 114-01-03; and
 - b. Complete all other licensure requirements as established by the board.
3. After March 1 of the first year of the current license cycle, an individual seeking to renew a license who has failed to complete the licensure process within the required time period and has been found to have been practicing unintentionally without a current license shall be required to:
 - a. Submit a completed application and the nonrefundable fees as required in section 114-01-03;
 - b. Must complete a criminal history record check; and
 - c. Complete all other licensure requirements as established by the board.
4. The license of an individual who has failed to renew the license and unintentionally practiced without proper authorization is not authorized to practice until meeting all board requirements for licensure. The license shall remain lapsed until the board receives satisfactory evidence of successful completion of the requirements for licensure.
5. The licensee, who has a lapsed license and has been found to be intentionally practicing without a license, will be referred to the appropriate organization for investigation and possible prosecution.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-09; 43-62-21; 12-60-24.

CHAPTER 114-03-02

CRIMINAL HISTORY RECORD CHECKS FOR LICENSURE

Section

114-03-02-01 Criminal History Record Checks.

114-03-02-01. Criminal history record checks.

1. An applicant must submit a set of fingerprints to the board or its agent for the purpose of obtaining a state and federal criminal history record check in the manner provided by North Dakota Century Code section 12-60-24 and as set forth by the board.
2. An authorization and release form must be signed by the applicant authorizing the release of the criminal history record information to the board.
3. The fingerprint card, authorization and release form, and fee for the criminal history record check must be submitted upon application for licensure.
4. The following applicants must submit to a criminal history record check:
 - a. Initial licensure;
 - b. Temporary or conditional licensure; and
 - c. License by endorsement.
5. The following applicants may be required to submit to a criminal history record check:
 - a. Renewal of a license; or
 - b. Relicensure.
 - c. An individual who is under investigation for violation of North Dakota Century Code chapter 43-62 or this title.
6. If a criminal history record check is required as part of a disciplinary investigation or proceeding, the fingerprint card, authorization and release

form, and fee for the criminal history record check must be submitted by the licensee within twenty days of the board's request.

History: Effective _____ 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09(11);12-60-24.

TITLE 114
MEDICAL IMAGING and RADIATION THERAPY BOARD

ARTICLE 114-04
STANDARDS OF PRACTICE

CHAPTER 114-04-01
Standards related to professional accountability

Section
114-04-01 Standards related to professional accountability.

114-04-01. Standards related to medical imaging and radiation therapy professional accountability.

1. A licensee is responsible and accountable to practice according to the standards of practice and code of ethics recognized by the board and the profession.
 - a. It is not the setting or the position title that determines a practice role, but rather the application of knowledge.
 - b. The licensee performs procedures for diagnostic or therapeutic purposes dependently through the prescription of a licensed practitioner.
 - c. The licensee practices within the legal boundaries through the scope of practice authorized by North Dakota Century Code chapter 43-62 and this title.
2. A licensee shall perform according to practice standards of the modality as established by the:
 - a. Alliance of cardiovascular professionals;
 - b. American college of radiology;
 - c. American society of radiologic technologists;

- d. American society of echocardiography;
 - e. International society for clinical densitometry;
 - f. Society of diagnostic medical sonography;
 - g. Society of nuclear medicine and molecular imaging;
 - h. Society for vascular ultrasound;
 - i. Sonography Canada; and
 - j. A successor organization or the equivalent as recognized by the board.
3. The practice standards include the following:
- a. Bone densitometry;
 - b. Cardiac electrophysiology;
 - c. Cardiac-interventional;
 - d. Cardiovascular invasive;
 - e. Computed tomography;
 - f. Limited x-ray machine operator (refer to appendix A);
 - g. Magnetic resonance imaging;
 - h. Mammography;
 - i. Nuclear medicine;
 - j. Positron emission tomography;
 - k. Quality management;
 - l. Radiography;
 - m. Radiologist assistant;
 - n. Radiation therapy;

- o. Sonography;
- p. Vascular interventional technology; and
- q. Other practice standards as recognized by the board.

History: Effective: _____1, 2018

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-14(2)(3)(4); 43-62-15.

Appendix A
Practice standards related to limited x-ray machine operators.

Limited x-ray machine operators are limited in scope of practice to only those procedures approved by the board. Limited x-ray machine operators shall not perform fluoroscopic procedures or administer contrast media or radiopharmaceuticals. Specific procedures or examinations that are allowed in the scope of practice for limited x-ray machine operators may include the following:

Chest:	PA, lateral, decubitus
Ribs:	AP, PA, obliques
Abdomen:	KUB, upright abdomen
Hand & fingers:	PA, lateral, oblique
Wrist:	PA, lateral, oblique
Forearm:	AP, lateral
Elbow:	AP, lateral
Humerus:	AP, lateral
Shoulder:	AP, internal & external rotation, y-view
Clavicle:	AP, AP axial
Pelvis:	AP
Hips:	AP, Frog leg lateral, cross-table lateral
Femur:	AP, lateral
Knee:	AP, lateral, obliques
Patella:	AP, lateral, sunrise
Tibia-Fibula:	AP, lateral
Ankle:	AP, lateral, obliques
Calcaneus:	Plantodorsal, lateral
Foot & toes:	AP, lateral, obliques
Sinuses:	Water's, lateral
Skull:	AP/PA, lateral
Facial bones:	PA, lateral
Nasal bones:	Water's, lateral

C-spine:	AP, lateral, odontoid, (not trauma), swimmer's (not trauma)
T-spine:	AP, lateral, swimmer's (not trauma)
L-spine:	AP, lateral, L5-S1 lateral

Any other procedure or examination performed during an emergency and requiring a limited x-ray machine operator to perform requires a written order from a licensed practitioner with personal supervision.

Licensees may petition the board to perform procedures and examinations not currently identified above. One of the criterion utilized by the board includes frequency of performance to consider approval or justification of expansion of the procedures and examination outlined above.

History: Effective on the date specified by section 75 of 2017 senate bill 2327.

General Authority: NDCC 43-62.

Law Implemented: NDCC 43-62-14(4)(7); 43-62-15(2).