

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2409

Introduced by

Senators Dever, Kilzer, Lee

Representatives Eckre, Gunter, Porter

1 A BILL for an Act to provide for licensure of individuals who administer human radiologic
2 procedures; to provide a penalty; and to provide an effective date.

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

4 **SECTION 1. Definitions.** As used in this Act, unless the context otherwise requires:

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

- 1 9. "Radiography" means the application of ionizing radiation to a human for
2 diagnostic or therapeutic purposes and, as related, includes the following:
- 3 a. Performing procedures or examinations performed upon the order of or for
4 diagnostic interpretation by a licensed practitioner;
- 5 b. Performing optional patient care applying established and accepted protocols;
- 6 c. Supervising any peer or student of radiography, or both; and
- 7 d. Continuing the evaluation of responsibilities and methods with the
8 recommendations for expansion of the profession with the advances in
9 modern medical technology.
- 10 10. "Radiologic physicist" means an individual certified, or eligible for certification, by
11 the American board of radiology in radiological physics or a subspecialty of
12 radiologic physics.
- 13 11. "Radiologic technologist" means a radiographer, radiation therapist, or nuclear
14 medicine technologist, who is registered by the American registry of radiologic
15 medicine technologists, registered by the American registry of radiologic
16 technologists or board-approved equivalent or organization, and licensed under
17 this Act to practice radiography on any body organ system.
- 18 12. "Radiologist" means a licensed physician certified or eligible for certification by the
19 American board of radiology, American osteopathic board of radiology, British
20 royal college of radiology, or the Canadian college of physicians and surgeons.
- 21 13. "Registered or qualified dental assistant" means an individual, other than a
22 licensed practitioner, whose duties are restricted to radiography of the head and
23 neck region for a diagnostic purpose.
- 24 14. "Restricted license technician" means the holder of a restricted license issued by
25 the board, which authorizes the holder to practice limited radiography.
- 26 15. "Temporary license" means a certificate issued by the board authorizing the
27 licensee to use equipment emitting ionizing radiation on a human for a diagnostic
28 or therapeutic purpose. The licensee's license application or license renewal must
29 be pending before the board and the issuance of the temporary license must be
30 justified by special circumstances as determined by the board.

31 **SECTION 2. Licensure - Exceptions.**

- 1 1. It is unlawful for a person to use ionizing radiation on a human for a diagnostic or
2 therapeutic purpose unless that person is a licensed practitioner, licensed
3 radiologic technologist, registered or qualified dental assistant, or restricted license
4 technician.
- 5 2. An individual licensed under this Act may use a radioactive substance or
6 equipment emitting ionizing radiation on a human only if the use is for a diagnostic
7 or therapeutic purpose by prescription of a licensed practitioner, and only if the
8 application of the substance or the use of the equipment is limited in a manner
9 specified in this Act.
- 10 3. The provisions of this Act relating to radiography do not limit, enlarge, or affect the
11 practice of a licensed practitioner, registered or qualified dental assistant, or dental
12 hygienist.
- 13 4. The licensure requirement of this section does not apply to the following
14 individuals:
 - 15 a. A student enrolled in and attending a school or college of medicine,
16 osteopathy, podiatry, dentistry, dental hygiene, dental assistant, chiropractic,
17 optometry, or radiologic technology who as a student applies ionizing
18 radiation to a human under the specific direction of an individual licensed to
19 prescribe ionizing radiation.
 - 20 b. An individual licensed, registered, or classified as qualified by the state board
21 of dental examiners who is administering an x-ray service related to the
22 practice of dentistry.

23 **SECTION 3. Board - Members - Term of office - Vacancies - Officers.** The board
24 consists of eight members appointed by the governor for terms of three years except that of the
25 initial appointees, three must serve three-year terms, three must serve two-year terms, and two
26 must serve one-year terms. The terms of initial board members begin on January 1, 2003.
27 Each board member must be a resident of the state, must take the oath of office required of
28 civil officers, and shall remain in office until a successor is appointed and qualified. In the case
29 of a vacancy, the governor shall appoint a member to fill the position for the remainder of the
30 unexpired term. Three board members must be radiologic technologists, one board member
31 must be a licensed practitioner, one board member must be a radiologic physicist, one board

1 member must be a radiologist, one board member must be a chiropractor, and one board
2 member must be a public member. The initial board members who are radiologic technologists
3 are not required to be licensed, but each must have practiced as a radiologic technologist for at
4 least three years.

5 **SECTION 4. Board - Compensation - Expenses - Meetings - Duties.** Each board
6 member serves without compensation but is entitled to receive mileage and travel expenses at
7 the same rate as state employees. Expenses incurred under this Act may not be charged
8 against the funds of the state. Funds administered by the board do not revert to the general
9 fund of the state. The board shall meet at least once every six months. The board shall adopt
10 rules for licensing, imposing discipline, handling appeals, and for otherwise implementing this
11 Act.

12 **SECTION 5. Board - Officers.** The board shall elect a president and appoint a
13 secretary-treasurer. The secretary-treasurer may not be a member of the board. The
14 secretary-treasurer may be paid an annual salary and must be bonded for the faithful discharge
15 of the secretary-treasurer's duties in the sum of one thousand dollars.

16 **SECTION 6. Restricted licenses.** The board shall issue a restricted license to an
17 applicant who:

- 18 1. Pays a nonrefundable application fee;
- 19 2. Is at least eighteen years of age at the time of application;
- 20 3. Possesses a high school diploma or a general education equivalency certificate;
- 21 and
- 22 4. Completes a board-approved course of study and passes the restricted license
- 23 exam. The board-approved course of study training standards may be no less
- 24 stringent than, nor in conflict with, applicable ionizing radiation operator training
- 25 requirements adopted in accordance with chapters 23-20, 23-20.1, and 23-20.2.

26 **SECTION 7. Radiologic technologist license.** The board shall issue a radiologic
27 technologist license to:

- 28 1. An applicant who as of January 1, 2003, has practiced as a radiographer for a
- 29 period of at least six months.
- 30 2. An applicant who:
- 31 a. Pays a nonrefundable application fee;

- b. Is at least eighteen years of age at the time of application;
 - c. Possesses a high school diploma or a general education equivalency certificate;
 - d. Satisfactorily completes a board-approved course of study in radiology, radiation therapy, nuclear medicine, or an equivalent as determined by the board; and
 - e. Possesses an active certificate by the American registry of radiologic technologists or by another recognized national voluntary credentialing body, issued on the basis of an examination satisfactory to the board.
3. The board-approved course of study training standards may be no less stringent than, nor in conflict with, applicable ionizing radiation operator training requirements adopted in accordance with chapters 23-20, 23-20.1, and 23-20.2.

SECTION 8. Temporary licenses. The board may issue a temporary license to any individual whose license application or license renewal is pending if issuance of the temporary license is justified by special circumstances. A temporary license may be issued only if issuing the temporary license will not endanger the public health and safety. A temporary license may not be issued for a period of longer than one hundred eighty days.

SECTION 9. License display - License renewal - Continuing education requirements. Every holder of a license under this Act shall display the official license certificate or a verified copy in each place of employment. A restricted license and a radiologic technologist license must be renewed every two years. The board shall renew a restricted license or a radiologic technologist license upon receipt of payment of a renewal fee and of proof of successful completion of twenty-four board-approved continuing education units.

SECTION 10. Discipline. The board may suspend, refuse to renew, or revoke a license issued under this chapter or reprimand any licensee who is guilty of any of the following:

1. The practice of fraud or deceit in obtaining a license under this Act.
2. Any gross negligence, incompetence, or misconduct in the use of ionizing radiation.
3. Any offense determined by the board to have a direct bearing upon a licensee's ability to perform professional duties, or the board determines, following conviction

1 of any offense, that a licensee is not sufficiently rehabilitated under section
2 12.1-33-02.1.

3 4. Violation of any code of ethics adopted by the board.

4 **SECTION 11. Prohibited acts - Penalty.** A person may not knowingly employ as a
5 radiographer any person who does not meet the licensing requirements of this Act. Violation of
6 this Act is a class A misdemeanor. In addition to the criminal penalty, the civil remedy of
7 injunction is available to restrain and enjoin any violation of this Act without proof of actual
8 damages sustained by any person.

9 **SECTION 12. EFFECTIVE DATE.** This Act becomes effective on January 1, 2003.