

1 *House* BILL NO. 45
 2 INTRODUCED BY ~~*Andrew Slusant Harper*~~
 3 *Dick Munn* ~~*Felipe*~~

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR LICENSURE
 5 AND REGULATION OF RADIOLOGIC TECHNOLOGISTS; ESTABLISHING A
 6 BOARD OF RADIOLOGIC TECHNOLOGISTS; PROVIDING FOR
 7 ADMINISTRATION OF THE ACT, INSPECTIONS, ENFORCEMENT AND
 8 PENALTIES; AND PROVIDING AN EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definitions. As used in this act unless the
 12 context clearly requires otherwise: (1) "Board" means the
 13 board of radiologic technologists created by this act.

14 (2) "License" means an authorization, to apply x-ray
 15 radiation to persons, issued by the department of
 16 professional and occupational licensing.

17 (3) "Department" means the department of professional
 18 and occupational licensing.

19 (4) "Licensed practitioner" means a person licensed or
 20 otherwise authorized by law to practice medicine, dentistry,
 21 dental hygiene, podiatry, chiropody, osteopathy, or
 22 chiropractic.

23 (5) "Permit" means an authorization which may be
 24 granted by the board, to apply x-ray radiation to persons
 25 when the applicant's qualifications do not meet standards

1 required for the issuance of a license.

2 (6) "Radiologic technologist" means a person other
 3 than a licensed practitioner who applies x-ray radiation to
 4 persons.

5 Section 2. License required -- provisos. No person may
 6 apply x-ray radiation to a person unless licensed under this
 7 act, with the following provisos: (1) A person licensed as
 8 a radiologic technologist may apply x-ray radiation to
 9 persons for medical, diagnostic, or therapeutic purposes
 10 under the specific direction of a person licensed to
 11 prescribe such examinations or treatments.

12 (2) Licensure is not required for:

13 (a) a hospital resident specializing in radiology who
 14 is not a licensed practitioner in Montana;

15 (b) a student enrolled in and attending a school or
 16 college of medicine, osteopathy, chiropody, podiatry,
 17 dentistry, dental hygiene, chiropractic or radiologic
 18 technology who applies x-ray radiation to persons under the
 19 direct supervision of a person licensed to prescribe such
 20 examinations or treatment;

21 (c) a person administering x-ray examinations related
 22 to the practice of dentistry.

23 (3) Nothing in this act shall be construed to limit or
 24 affect in any respect, the practice of their respective
 25 professions by duly licensed practitioners.

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1 Section 3. There is a new R.C.M. section numbered
2 82A-1602.28 that reads as follows:

3 82A-1602.28. Board of radiologic technologists --
4 composition -- terms. (1) There is a board of radiologic
5 technologists.

6 (2) The board consists of seven (7) members appointed
7 by the governor; two (2) members shall be radiologists
8 licensed to practice medicine in Montana; one (1) member
9 shall be a physician licensed to practice medicine in
10 Montana; one (1) member shall be a chiropractor licensed to
11 practice in Montana; and three (3) members shall be
12 radiologic technologists registered with the American
13 Registry of Radiologic Technologists (ARRT) who, with the
14 exception of the first appointed members, are licensed
15 radiologic technologists. Vacancies in unexpired terms shall
16 be filled for the remainder of the term.

17 (3) Each member shall serve for a term of three (3)
18 years with the following terms for the first appointed
19 members;

- 20 (a) one (1) radiologist for two (2) years
- 21 (b) one (1) radiologist for three (3) years
- 22 (c) one (1) physician for one (1) year
- 23 (d) one (1) radiologic technologist for one (1) year
- 24 (e) one (1) radiologic technologist for two (2) years
- 25 (f) one (1) radiologic technologist for three (3)

1 years.

2 Section 4. Board -- compensation -- meetings --
3 quorum. (1) Board members may be compensated as determined
4 by the board but not to exceed twenty-five dollars (\$25) per
5 day for official business. Board members shall be
6 reimbursed for their actual and necessary expenses incurred
7 while on official business of the board.

8 (2) The board shall meet at least twice a year and
9 elect a chairman at the first meeting of each calendar year.

10 (3) Four (4) members of the board constitute a quorum
11 for the purpose of transacting business.

12 Section 5. Board can promulgate rules. The board may
13 promulgate rules necessary to carry out the provisions of
14 this act and adjudicate contested cases under it.

15 Section 6. Applicants -- qualifications. Each
16 applicant for licensure as a radiologic technologist
17 shall: (1) Have satisfactorily completed a course of study
18 in radiologic technology approved by the board.

19 (2) Be of good moral character.

20 (3) Be at least eighteen (18) years of age.

21 (4) Not be addicted to intemperate use of alcohol or
22 narcotic drugs.

23 Section 7. Examinations -- licensure. (1)
24 Examinations for licensure as a radiologic technologist
25 shall include a written portion and may also include

1 practical and oral portions as established by the board.
 2 The written portion of the examination may be taken at any
 3 time, during normal working hours, at the department of
 4 professional and occupational licensing.

5 (2) The board shall provide applicants for licensure
 6 the opportunity for examinations at intervals not to exceed
 7 six (6) months.

8 (3) A nonrefundable examination fee, established by
 9 the board but not to exceed fifty dollars (\$50), shall be
 10 submitted prior to examination for licensure. An applicant
 11 failing the examination shall be charged a nonrefundable
 12 application fee for any subsequent examination. An
 13 applicant failing any subsequent examination shall not be
 14 eligible for re-examination until twelve (12) months
 15 following the last failed examination.

16 (4) The board may accept in lieu of its own
 17 examination a certificate of the American Registry of
 18 Radiologic Technologists (ARRT) or a certificate,
 19 registration or license issued by another state whose
 20 qualifications are at least equal to those set forth in this
 21 act.

22 Section 8. Licenses -- permits. (1) The board shall
 23 issue a license or permit to each applicant who has
 24 submitted a non-refundable licensing fee set by the board
 25 not to exceed fifty dollars (\$50) and has met the

1 requirements of this act.

2 (2) The board may issue a permit to an applicant not
 3 qualifying for the issuance of a license under the
 4 provisions of this act but who has demonstrated to the
 5 satisfaction of the board the capability of performing high
 6 quality x-ray examinations without endangering public health
 7 and safety. Permits issued under provisions of this section
 8 shall specify x-ray examinations that may be performed by
 9 the holder. Permits shall be valid for a period not to
 10 exceed twelve (12) months but may be renewed under the
 11 provisions for original issuance.

12 (3) Applicants meeting minimum requirements for
 13 licensure shall be issued a temporary permit to work as a
 14 radiologic technologist. This temporary permit shall expire
 15 fifteen (15) days after the date of first opportunity for
 16 examination.

17 (4) The board shall issue temporary permits to
 18 uncertified persons to practice as radiologic technologist
 19 when adequate evidence is provided the board that such a
 20 permit is necessary because of a regional hardship or
 21 emergency condition and that such person is capable of
 22 performing x-ray examinations without endangering public
 23 health and safety. Temporary permits shall not exceed
 24 twelve (12) months in duration but may be renewed by
 25 reestablishing, to the board's satisfaction, evidence of

1 continued regional hardship or emergency conditions.

2 (5) Every radiologic technologist shall carry his
3 license or permit while at work. The license or permit
4 shall be displayed on request.

5 Section 9. Issuance of license without examination.
6 The board shall issue a license to an applicant if: (1) the
7 applicant has been employed as a radiologic technologist for
8 at least five (5) of the six (6) years immediately preceding
9 the effective date of this act, or,

10 (2) the applicant has been employed as a radiologic
11 technologist for at least two (2) of the three (3) years
12 immediately preceding the effective date of this act or is a
13 student engaged in a course of x-ray technology on the
14 effective date of this act and subsequently completes the
15 course, or has successfully completed a twenty-four (24)
16 month course in x-ray technology within two (2) years
17 immediately preceding the effective date of this act, and
18 can demonstrate proficiency to the satisfaction of the
19 board.

20 Section 10. Expiration of license --
21 renewal. (1) Licenses expire on December 31 of the first
22 even numbered year following the year of their issuance and
23 on every even numbered year thereafter.

24 (2) A license shall be renewed by the board upon
25 payment of a license fee set by the board and submission of

1 a renewal application containing such information as the
2 board deems necessary to show that the applicant for renewal
3 is a radiologic technologist in good standing.

4 (3) A radiologic technologist who has been heretofore
5 duly licensed in Montana and whose license has not been
6 revoked or suspended, and who has temporarily ceased
7 activities as a radiologic technologist for not more than
8 five (5) years, may apply for reissuance of a license upon
9 complying with the provisions of this section, including
10 payment of an application fee.

11 Section 11. Suspension of license. A license or
12 permit may be suspended for a fixed period, or may be
13 revoked, or such technologists may be censured, reprimanded,
14 or otherwise disciplined as determined by the board if after
15 a hearing before the board it is determined that the
16 radiologic technologist: (1) Is guilty of fraud or deceit
17 in activities as a radiologic technologist or has been
18 guilty of any fraud or deceit in procuring the license or
19 permit.

20 (2) Has been convicted in a court of competent
21 jurisdiction of a crime involving moral turpitude.

22 (3) Is a habitual drunkard or is addicted to the use
23 of narcotics or other drugs having a similar effect, or is
24 not mentally competent.

25 (4) Is guilty of unethical conduct as defined by rules

1 promulgated by the board or has been guilty of incompetence
 2 or negligence in his activities as a radiologic
 3 technologist.

4 (5) Has continued to perform as a radiologic
 5 technologist without obtaining a license or license renewal
 6 as required by this act.

7 Section 12. Inspections. Inspections for compliance
 8 with the provisions of this act may be performed by:

9 (1) The board of radiologic technologists.

10 (2) The department of professional and occupational
 11 licensing.

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 13 sciences.

14 Section 13. Violation of act -- penalty. A person, or
 15 the employer of a person, who violates any provisions of
 16 this act or rules adopted under this act is guilty of an
 17 offense and shall be fined not to exceed five hundred
 18 dollars (\$500). Each day of violation constitutes a
 19 separate offense.

20 Section 14. If a part of this act is invalid all valid
 21 parts that are severable from the invalid parts remain in
 22 effect. If a part of the act is invalid in one or more of
 23 its applications, the part remains in effect in all valid
 24 applications that are severable from the invalid
 25 applications.

1 Section 15. This act is effective eighteen (18) months
 2 after its passage and approval except that members of the
 3 board shall be appointed sixteen (16) months prior to such
 4 date and the board may immediately initiate such action as
 5 necessary for this act to become fully effective.

-End-

Approved by Committee
on State Administration

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 8 quality x-ray examinations without endangering public health
 9 and safety. Permits issued under provisions of this section
 10 shall specify x-ray examinations that may be performed by
 11 the holder. Permits shall be valid for a period not to
 12 exceed twelve (12) months but may be renewed under the
 13 provisions for original issuance.

14 (3) Applicants meeting minimum requirements for
 15 licensure shall be issued a temporary permit to work as a
 16 radiologic technologist. This temporary permit shall expire
 17 fifteen (15) days after the date of first opportunity for
 18 examination.

19 (4) The board shall issue temporary permits to
 20 uncertified persons to practice as radiologic technologist
 21 when adequate evidence is provided the board that such a
 22 permit is necessary because of a regional hardship or
 23 emergency condition and that such person is capable of
 24 performing x-ray examinations without endangering public
 25 health and safety. Temporary permits shall not exceed

1 twelve (12) months in duration but may be renewed by
2 reestablishing, to the board's satisfaction, evidence of
3 continued regional hardship or emergency conditions.

4 (5) Every radiologic technologist shall carry his
5 license or permit while at work. The license or permit
6 shall be displayed on request.

7 Section 9. Issuance of license without examination.
8 The board shall issue a license to an applicant if: (1) the
9 applicant has been employed as a radiologic technologist for
10 at least five (5) of the six (6) years immediately preceding
11 the effective date of this act, or,

12 (2) the applicant has been employed as a radiologic
13 technologist for at least two (2) of the three (3) years
14 immediately preceding the effective date of this act or is a
15 student engaged in a course of x-ray technology on the
16 effective date of this act and subsequently completes the
17 course, or has successfully completed a twenty-four (24)
18 month course in x-ray technology within two (2) years
19 immediately preceding the effective date of this act, and
20 can demonstrate proficiency to the satisfaction of the
21 board.

22 Section 10. Expiration of license --
23 renewal. (1) Licenses expire on December 31 of the first
24 even numbered year following the year of their issuance and
25 on every even numbered year thereafter.

1 (2) A license shall be renewed by the board upon
2 payment of a license fee set by the board and submission of
3 a renewal application containing such information as the
4 board deems necessary to show that the applicant for renewal
5 is a radiologic technologist in good standing.

6 (3) A radiologic technologist who has been heretofore
7 duly licensed in Montana and whose license has not been
8 revoked or suspended, and who has temporarily ceased
9 activities as a radiologic technologist for not more than
10 five (5) years, may apply for reissuance of a license upon
11 complying with the provisions of this section, including
12 payment of an application fee.

13 Section 11. Suspension of license. A license or
14 permit may be suspended for a fixed period, or may be
15 revoked, or such technologists may be censured, reprimanded,
16 or otherwise disciplined as determined by the board if after
17 a hearing before the board it is determined that the
18 radiologic technologist: (1) Is guilty of fraud or deceit
19 in activities as a radiologic technologist or has been
20 guilty of any fraud or deceit in procuring the license or
21 permit.

22 (2) Has been convicted in a court of competent
23 jurisdiction of a crime involving moral turpitude.

24 (3) Is a habitual drunkard or is addicted to the use
25 of narcotics or other drugs having a similar effect, or is

1 not mentally competent.

2 (4) Is guilty of unethical conduct as defined by rules
3 promulgated by the board or has been guilty of incompetence
4 or negligence in his activities as a radiologic
5 technologist.

6 (5) Has continued to perform as a radiologic
7 technologist without obtaining a license or license renewal
8 as required by this act.

9 Section 12. Inspections. Inspections for compliance
10 with the provisions of this act may be performed by:

11 (1) The board of radiologic technologists.

12 (2) The department of professional and occupational
13 licensing.

14 (3) The department of health and environmental
15 sciences.

16 Section 13. Violation of act -- penalty. A person, or
17 the employer of a person, who violates any provisions of
18 this act or rules adopted under this act is guilty of an
19 offense and shall be fined not to exceed five hundred
20 dollars (\$500). Each day of violation constitutes a
21 separate offense.

22 Section 14. If a part of this act is invalid all valid
23 parts that are severable from the invalid parts remain in
24 effect. If a part of the act is invalid in one or more of
25 its applications, the part remains in effect in all valid

1 applications that are severable from the invalid
2 applications.

3 Section 15. This act is effective eighteen (18) months
4 after its passage and approval except that members of the
5 board shall be appointed sixteen (16) months prior to such
6 date and the board may immediately initiate such action as
7 necessary for this act to become fully effective.

-End-

March 19, 1975

SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

AMENDMENTS TO HOUSE BILL NO. 45

That House Bill No. 45, third reading, be amended as follows:

1. Amend page 2, section 2, lines 14 and 15.
Strike: lines 14 and 15 in their entirety
Reletter: All subsequent subsections
2. Amend page 6, section 8, line 3.
Following: "act."
Insert: "Fees collected by the department shall be deposited in the earmarked revenue fund for the use of the board in administering this act."

March 19, 1975

SENATE COMMITTEE ON JUDICIARY

AMENDMENTS TO HOUSE JOINT RESOLUTION NO. 45

That House Joint Resolution No. 45, third reading, be amended as follows:

1. Amend page 2, line 13.
Following: line 13
Insert: "That the legislature of the state of Montana supports the governor's decision to create a task force on tribal, state and federal responsibilities which will provide a forum for tribal, state and federal officials to discuss the common problems of jurisdiction."
2. Amend page 2, line 14.
Following: line 13
Strike: "That"
Insert: "BE IT FURTHER RESOLVED, that"
3. Amend page 2, line 14.
Following: "legislature"
Insert: "of the state of Montana"
4. Amend page 3, line 5.
Following: "legislature"
Insert: "of the state of Montana"

HOUSE BILL NO. 45

INTRODUCED BY GUNDERSON, DUSSAULT, HARPER,

JACK MOORE, FABREGA

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR LICENSURE AND REGULATION OF RADIOLOGIC TECHNOLOGISTS; ESTABLISHING A BOARD OF RADIOLOGIC TECHNOLOGISTS; PROVIDING FOR ADMINISTRATION OF THE ACT, INSPECTIONS, ENFORCEMENT AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definitions. As used in this act unless the context clearly requires otherwise: (1) "Board" means the board of radiologic technologists created by this act.

(2) "License" means an authorization, to apply x-ray radiation to persons, issued by the department of professional and occupational licensing.

(3) "Department" means the department of professional and occupational licensing.

(4) "Licensed practitioner" means a person licensed or otherwise authorized by law to practice medicine, dentistry, dental hygiene, podiatry, chiropody, osteopathy, or chiropractic.

(5) "Permit" means an authorization which may be granted by the board, to apply x-ray radiation to persons

when the applicant's qualifications do not meet standards required for the issuance of a license.

(6) "Radiologic technologist" means a person other than a licensed practitioner who applies x-ray radiation to persons.

Section 2. License required -- provisos. No person may apply x-ray radiation to a person unless licensed under this act, with the following provisos: (1) A person licensed as a radiologic technologist may apply x-ray radiation to persons for medical, diagnostic, or therapeutic purposes under the specific direction of a person licensed to prescribe such examinations or treatments.

(2) Licensure is not required for:

~~(a) -- a -- hospital -- resident EMPLOYEE specializing -- in radiology -- who is not a licensed practitioner in Montana;~~

~~(b) (A) a student enrolled in and attending a school or college of medicine, osteopathy, chiropody, podiatry, dentistry, dental hygiene, chiropractic or radiologic technology who applies x-ray radiation to persons under the direct supervision of a person licensed to prescribe such examinations or treatment;~~

~~(b) (B) a person administering x-ray examinations related to the practice of dentistry.~~

(3) Nothing in this act shall be construed to limit or affect in any respect, the practice of their respective

1 professions by duly licensed practitioners.

2 Section 3. There is a new R.C.M. section numbered
3 82A-1602.28 that reads as follows:

4 82A-1602.28. Board of radiologic technologists --
5 composition -- terms. (1) There is a board of radiologic
6 technologists.

7 (2) The board consists of seven (7) members appointed
8 by the governor; two (2) members shall be radiologists
9 licensed to practice medicine in Montana; one (1) member
10 shall be a physician licensed to practice medicine in
11 Montana; one (1) member shall be a chiropractor licensed to
12 practice in Montana; and three (3) members shall be
13 radiologic technologists registered with the American
14 Registry of Radiologic Technologists (ARRT) who, with the
15 exception of the first appointed members, are licensed
16 radiologic technologists. Vacancies in unexpired terms shall
17 be filled for the remainder of the term.

18 (3) Each member shall serve for a term of three (3)
19 years with the following terms for the first appointed
20 members;

- 21 (a) one (1) radiologist for two (2) years
- 22 (b) one (1) radiologist for three (3) years
- 23 (c) one (1) physician for one (1) year
- 24 (d) one (1) radiologic technologist for one (1) year
- 25 (e) one (1) radiologic technologist for two (2) years

1 (f) one (1) radiologic technologist for three (3)
2 years

3 (G) ONE (1) CHIROPRACTOR FOR THREE (3) YEARS.

4 Section 4. Board -- compensation -- meetings --
5 quorum. (1) Board members may be compensated as determined
6 by the board but not to exceed twenty-five dollars (\$25) per
7 day for official business. Board members shall be
8 reimbursed for their actual and necessary expenses incurred
9 while on official business of the board.

10 (2) The board shall meet at least twice a year and
11 elect a chairman at the first meeting of each calendar year.

12 (3) Four (4) members of the board constitute a quorum
13 for the purpose of transacting business.

14 Section 5. Board can promulgate rules. The board may
15 promulgate rules necessary to carry out the provisions of
16 this act and adjudicate contested cases under it.

17 Section 6. Applicants -- qualifications. Each
18 applicant for licensure as a radiologic technologist
19 shall: (1) Have satisfactorily completed a course of study
20 in radiologic technology approved by the board.

21 (2) Be of good moral character.

22 (3) Be at least eighteen (18) years of age.

23 (4) Not be addicted to intemperate use of alcohol or
24 narcotic drugs.

25 Section 7. Examinations -- licensure. (1)

1 Examinations for licensure as a radiologic technologist
 2 shall include a written portion and may also include
 3 practical and oral portions as established by the board.
 4 The written portion of the examination may be taken at any
 5 time, during normal working hours, at the department of
 6 professional and occupational licensing.

7 (2) The board shall provide applicants for licensure
 8 the opportunity for examinations at intervals not to exceed
 9 six (6) months.

10 (3) A nonrefundable examination fee, established by
 11 the board but not to exceed fifty dollars (\$50), shall be
 12 submitted prior to examination for licensure. An applicant
 13 failing the examination shall be charged a nonrefundable
 14 application fee for any subsequent examination. An
 15 applicant failing any subsequent examination shall not be
 16 eligible for re-examination until twelve (12) months
 17 following the last failed examination.

18 (4) The board may accept in lieu of its own
 19 examination a certificate of the American Registry of
 20 Radiologic Technologists (ARRT) or a certificate,
 21 registration or license issued by another state whose
 22 qualifications are at least equal to those set forth in this
 23 act.

24 Section 8. Licenses -- permits. (1) The board shall
 25 issue a license or permit to each applicant who has

1 submitted a non-refundable licensing fee set by the board
 2 not to exceed fifty dollars (\$50) and has met the
 3 requirements of this act. FEEES COLLECTED BY THE DEPARTMENT
 4 SHALL BE DEPOSITED IN THE EARMARKED REVENUE FUND FOR THE USE
 5 OF THE BOARD IN ADMINISTERING THIS ACT.

6 (2) The board may issue a permit to an applicant not
 7 qualifying for the issuance of a license under the
 8 provisions of this act but who has demonstrated to the
 9 satisfaction of the board the capability of performing high
 10 quality x-ray examinations without endangering public health
 11 and safety. Permits issued under provisions of this section
 12 shall specify x-ray examinations that may be performed by
 13 the holder. Permits shall be valid for a period not to
 14 exceed twelve (12) months but may be renewed under the
 15 provisions for original issuance.

16 (3) Applicants meeting minimum requirements for
 17 licensure shall be issued a temporary permit to work as a
 18 radiologic technologist. This temporary permit shall expire
 19 fifteen (15) days after the date of first opportunity for
 20 examination.

21 (4) The board shall issue temporary permits to
 22 uncertified persons to practice as radiologic technologist
 23 when adequate evidence is provided the board that such a
 24 permit is necessary because of a regional hardship or
 25 emergency condition and that such person is capable of

1 performing x-ray examinations without endangering public
 2 health and safety. Temporary permits shall not exceed
 3 twelve (12) months in duration but may be renewed by
 4 reestablishing, to the board's satisfaction, evidence of
 5 continued regional hardship or emergency conditions.

6 (5) Every radiologic technologist shall carry his
 7 license or permit while at work. The license or permit
 8 shall be displayed on request.

9 Section 9. Issuance of license without examination.
 10 The board shall issue a license to an applicant if: (1) the
 11 applicant has been employed as a radiologic technologist for
 12 at least five (5) of the six (6) years immediately preceding
 13 the effective date of this act, or,

14 (2) the applicant has been employed as a radiologic
 15 technologist for at least two (2) of the three (3) years
 16 immediately preceding the effective date of this act or is a
 17 student engaged in a course of x-ray technology on the
 18 effective date of this act and subsequently completes the
 19 course, or has successfully completed a twenty-four (24)
 20 month course in x-ray technology within two (2) years
 21 immediately preceding the effective date of this act, and
 22 can demonstrate proficiency to the satisfaction of the
 23 board.

24 Section 10. Expiration of license --
 25 renewal. (1) Licenses expire on December 31 of the first

1 even numbered year following the year of their issuance and
 2 on every even numbered year thereafter.

3 (2) A license shall be renewed by the board upon
 4 payment of a license fee set by the board and submission of
 5 a renewal application containing such information as the
 6 board deems necessary to show that the applicant for renewal
 7 is a radiologic technologist in good standing.

8 (3) A radiologic technologist who has been heretofore
 9 duly licensed in Montana and whose license has not been
 10 revoked or suspended, and who has temporarily ceased
 11 activities as a radiologic technologist for not more than
 12 five (5) years, may apply for reissuance of a license upon
 13 complying with the provisions of this section, including
 14 payment of an application fee.

15 Section 11. Suspension of license. A license or
 16 permit may be suspended for a fixed period, or may be
 17 revoked, or such technologists may be censured, reprimanded,
 18 or otherwise disciplined as determined by the board if after
 19 a hearing before the board it is determined that the
 20 radiologic technologist: (1) Is guilty of fraud or deceit
 21 in activities as a radiologic technologist or has been
 22 guilty of any fraud or deceit in procuring the license or
 23 permit.

24 (2) Has been convicted in a court of competent
 25 jurisdiction of a crime involving moral turpitude.

1 (3) Is a habitual drunkard or is addicted to the use
 2 of narcotics or other drugs having a similar effect, or is
 3 not mentally competent.

4 (4) Is guilty of unethical conduct as defined by rules
 5 promulgated by the board or has been guilty of incompetence
 6 or negligence in his activities as a radiologic
 7 technologist.

8 (5) Has continued to perform as a radiologic
 9 technologist without obtaining a license or license renewal
 10 as required by this act.

11 Section 12. Inspections. Inspections for compliance
 12 with the provisions of this act may be performed by:

- 13 (1) The board of radiologic technologists.
- 14 (2) The department of professional and occupational
 15 licensing.
- 16 (3) The department of health and environmental
 17 sciences.

18 Section 13. Violation of act -- penalty. A person, or
 19 the employer of a person, who violates any provisions of
 20 this act or rules adopted under this act is guilty of an
 21 offense and shall be fined not to exceed five hundred
 22 dollars (\$500). Each day of violation constitutes a
 23 separate offense.

24 Section 14. If a part of this act is invalid all valid
 25 parts that are severable from the invalid parts remain in

1 effect. If a part of the act is invalid in one or more of
 2 its applications, the part remains in effect in all valid
 3 applications that are severable from the invalid
 4 applications.

5 Section 15. This act is effective eighteen (18) months
 6 after its passage and approval except that members of the
 7 board shall be appointed sixteen (16) months prior to such
 8 date and the board may immediately initiate such action as
 9 necessary for this act to become fully effective.

-End-