

Senate Bill 425

In The Senate

February 10, 1981	Introduced and referred to Committee on Public Health, Welfare and Safety.
February 21, 1981	Committee recommend bill do not pass.

1 *Senat* BILL NO. *425*
 2 INTRODUCED BY *Steve Brown* STEVE BROWN

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ABOLISH THE BOARD OF
 6 RADIOLOGIC TECHNOLOGISTS AND TRANSFER LICENSING AND
 7 REGULATION OF RADIOLOGIC TECHNOLOGISTS TO THE DEPARTMENT OF
 8 HEALTH AND ENVIRONMENTAL SCIENCES; CONTINUING EXISTING
 9 REQUIREMENTS FOR LICENSURE; PROVIDING FOR TRANSFER OF FUNDS
 10 AND RECORDS; AMENDING SECTIONS 37-14-102, 37-14-202,
 11 37-14-302 THROUGH 37-14-306, 37-14-308 THROUGH 37-14-311,
 12 37-14-321, AND 37-14-322, MCA; REPEALING SECTIONS 2-15-1614,
 13 37-14-201, AND 37-14-312, MCA; AND PROVIDING EFFECTIVE
 14 DATES."

15
 16 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
 17 MCA, terminates the Board of Radiologic Technologists and
 18 requires a performance evaluation of the Board by the
 19 Legislative Audit Committee; and

20 WHEREAS, as a result of the performance evaluation, the
 21 Legislative Audit Committee recommends that the Board of
 22 Radiologic Technologists be abolished and that licensure and
 23 regulation of radiologic technologists be transferred to the
 24 Department of Health and Environmental Sciences.

25

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

2 Section 1. Functions transferred. The functions of the
 3 board of radiologic technologists, which is abolished by
 4 2-8-103, are transferred to the department of health and
 5 environmental sciences.

6 Section 2. Section 37-14-102, MCA, is amended to read:
 7 "37-14-102. Definitions. In this chapter, unless the
 8 context clearly requires otherwise, the following
 9 definitions apply:

10 ~~(1) "Board" means the board of radiologic~~
 11 ~~technologists provided for in 2-15-1614.~~

12 (2)(1) "Department" means the department of
 13 ~~professional and occupational licensing health and~~
 14 ~~environmental sciences.~~

15 (3)(2) "License" means an authorization to apply x-ray
 16 radiation to persons issued by the department of
 17 ~~professional and occupational licensing.~~

18 (4)(3) "Licensed practitioner" means a person licensed
 19 or otherwise authorized by law to practice medicine,
 20 dentistry, dental hygiene, podiatry, chiropraxy, osteopathy,
 21 or chiropractic.

22 (5)(4) "Permit" means an authorization which may be
 23 granted by the ~~board department~~ to apply x-ray radiation to
 24 persons when the applicant's qualifications do not meet
 25 standards required for the issuance of a license.

1 ~~(6)~~⁽⁵⁾ "Radiologic technologist" means a person other
2 than a licensed practitioner who applies diagnostic x-ray
3 radiation to persons."

4 Section 3. Section 37-14-202, MCA, is amended to read:

5 "37-14-202. Rulemaking power. The ~~board~~ department may
6 promulgate rules necessary to carry out the provisions of
7 this chapter and adjudicate contested cases under it."

8 Section 4. Section 37-14-302, MCA, is amended to read:

9 "37-14-302. Qualifications. (1) Each applicant for
10 licensure as a radiologic technologist~~---other---than---those~~
11 ~~qualifying---under---37-14-312~~ shall have satisfactorily
12 completed a 24-month course of study in radiologic
13 technology approved by the ~~board~~ department.

14 (2) Each applicant for licensure as a radiologic
15 technologist~~---including---those---qualifying---under---37-14-312~~
16 shall:

17 (a) be of good moral character;

18 (b) be at least 18 years of age; and

19 (c) not be addicted to intemperate use of alcohol or
20 narcotic drugs."

21 Section 5. Section 37-14-303, MCA, is amended to read:

22 "37-14-303. Examination -- application fee. (1)
23 Examinations for licensure as a radiologic technologist
24 shall include a written portion and may also include
25 practical and oral portions as established by the ~~board~~

1 ~~department~~.

2 (2) The ~~board~~ department shall provide applicants for
3 licensure the opportunity for examinations at intervals not
4 to exceed 6 months.

5 (3) A nonrefundable examination fee, established by
6 the ~~board~~ department but not to exceed \$50, shall be
7 submitted prior to examination for licensure. An applicant
8 failing the examination shall be charged a nonrefundable
9 application fee for any subsequent examination. An applicant
10 failing any subsequent examination is not eligible for
11 reexamination until 12 months following the last failed
12 examination."

13 Section 6. Section 37-14-304, MCA, is amended to read:

14 "37-14-304. Licensure by endorsement. The ~~board~~
15 department may accept in lieu of its own examination a
16 certificate of the American registry of radiologic
17 technologists (ARRT) or a certificate, registration, or
18 license issued by another state whose qualifications are at
19 least equal to those set forth in this chapter."

20 Section 7. Section 37-14-305, MCA, is amended to read:

21 "37-14-305. Issuance of license or permit -- fee. The
22 ~~board~~ department shall issue a license or permit to each
23 applicant who has submitted a nonrefundable licensing fee
24 set by the ~~board~~ department, not to exceed \$50, and has met
25 the requirements of this chapter."

1 Section 8. Section 37-14-306, MCA, is amended to read:

2 "37-14-306. Permits. (1) The ~~board department~~ may
3 issue a permit to an applicant not qualifying for the
4 issuance of a license under the provisions of this chapter
5 but who has demonstrated, to the satisfaction of a physician
6 specializing in radiology approved by the ~~board department~~,
7 the capability of performing high-quality x-ray examinations
8 without endangering public health and safety. Permits issued
9 under provisions of this section and 37-14-305 shall specify
10 x-ray examinations that may be performed by the holder.
11 Permits shall be valid for a period not to exceed 12 months
12 but may be renewed under the provisions for original
13 issuance.

14 (2) 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 15 days after the date of first opportunity for examination.

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

1 the ~~board's department's~~ satisfaction, evidence of continued
2 regional hardship or emergency conditions."

3 Section 9. Section 37-14-308, MCA, is amended to read:

4 "37-14-308. Issuance of other documents. The ~~board~~
5 ~~department~~ may issue to licensees or permittees such other
6 cards, certificates, or documents as it considers necessary
7 or convenient to the proper administration of this chapter."

8 Section 10. Section 37-14-309, MCA, is amended to
9 read:

10 "37-14-309. Replacement documents. The ~~board~~
11 ~~department~~ may charge a reasonable fee for the replacement
12 or duplication of a certificate, license, permit, or other
13 document issued pursuant to this chapter."

14 Section 11. Section 37-14-310, MCA, is amended to
15 read:

16 "37-14-310. Biennial renewal -- fee -- reissuance of
17 license. (1) Licenses expire on December 31 of the first
18 even-numbered year following the year of their issuance and
19 on every even-numbered year thereafter.

20 (2) A license shall be renewed by the ~~board department~~
21 upon payment of a license fee set by the ~~board department~~
22 and submission of a renewal application containing such
23 information as the ~~board department~~ considers necessary to
24 show that the applicant for renewal is a radiologic
25 technologist in good standing.

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

7 Section 12. Section 37-14-311, MCA, is amended to
8 read:

9 "37-14-311. Deposit of fees. Fees collected by the
10 department shall be deposited in the earmarked revenue fund
11 for the use of the ~~board department~~ in administering this
12 chapter."

13 Section 13. Section 37-14-321, MCA, is amended to
14 read:

15 "37-14-321. Revocation or suspension of license. A
16 license or permit may be suspended for a fixed period or may
17 be revoked, or such technologist may be censured,
18 reprimanded, or otherwise disciplined as determined by the
19 ~~board department~~ if, after a hearing before the ~~board~~
20 ~~department~~, it is determined that the radiologic
21 technologist:

22 (1) is guilty of fraud or deceit in activities as a
23 radiologic technologist or has been guilty of any fraud or
24 deceit in procuring the license or permit;

25 (2) has been convicted in a court of competent

1 jurisdiction of a crime involving moral turpitude;

2 (3) is an habitual drunkard or is addicted to the use
3 of narcotics or other drugs having a similar effect or is
4 not mentally competent;

5 (4) is guilty of unethical conduct, as defined by
6 rules promulgated by the ~~board department~~, or has been
7 guilty of incompetence or negligence in his activities as a
8 radiologic technologist;

9 (5) has continued to perform as a radiologic
10 technologist without obtaining a license or license renewal
11 as required by this chapter."

12 Section 14. Section 37-14-322, MCA, is amended to
13 read:

14 "37-14-322. Inspections. Inspections for compliance
15 with the provisions of this chapter may be performed by*

16 ~~{1}--the-board-of-radiologic-technologists}~~

17 ~~{2}--the--department--of--professional--and--occupational~~
18 ~~licensing}~~

19 ~~{3} the department of--health--and--environmental~~
20 ~~sciences."~~

21 Section 15. Transfer of funds and records. By July 1,
22 1981, all the funds and records of the board of radiologic
23 technologists shall be transferred to the department of
24 health and environmental sciences.

25 Section 16. Repealer. Sections 2-15-1614, 37-14-201,

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1 and 37-14-312, MCA, are repealed.

2 Section 17. Effective dates. (1) This act, except
3 section 15, is effective July 1, 1981, and the provisions of
4 2-8-121 do not apply to the board of radiologic
5 technologists.

6 (2) Section 15 is effective on passage and approval.

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