

SENATE BILL NO. 173

INTRODUCED BY HAFHEY, LYNCH, KEENAN

BY REQUEST OF THE BOARD OF RADIOLOGIC TECHNOLOGISTS

IN THE SENATE

January 21, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
January 22, 1985	Fiscal Note requested.
January 28, 1985	Fiscal Note returned.
February 7, 1985	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
February 8, 1985	Bill printed and placed on members' desks.
February 11, 1985	Second reading, do pass.
February 12, 1985	Considered correctly engrossed.
February 13, 1985	Third reading, passed. Ayes, 50; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
March 12, 1985	Committee recommend bill be concurred in. Report adopted.

March 15, 1985

Second reading, concurred in.

March 18, 1985

Third reading, concurred in.

Returned to Senate.

IN THE SENATE

March 18, 1985

Received from House.

March 19, 1985

Sent to enrolling.

Reported correctly enrolled.

1 Senate BILL NO. 173
 2 INTRODUCED BY Sen. Stephen Keenan
 3 BY REQUEST OF THE BOARD OF RADIOLOGIC TECHNOLOGISTS
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 6 LAWS RELATING TO THE PRACTICE OF RADIOLOGIC TECHNOLOGY;
 7 RESTRUCTURING THE BOARD OF RADIOLOGIC TECHNOLOGISTS;
 8 DEFINING "LIMITED PERMIT TECHNICIAN"; REVISING LIMITED
 9 PERMITHOLDER PROCEDURES; GIVING THE BOARD ADDITIONAL
 10 RULEMAKING AUTHORITY; PROVIDING FOR ANNUAL LICENSURE;
 11 PROVIDING FOR DISCIPLINARY PROCEDURES FOR LIMITED PERMIT
 12 TECHNICIANS; AMENDING SECTIONS 2-15-1848, 37-14-102,
 13 37-14-301, 37-14-306, 37-14-307, 37-14-310, AND 37-14-321,
 14 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 15

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

17 Section 1. Section 2-15-1848, MCA, is amended to read:
 18 "2-15-1848. Board of radiologic technologists. (1)
 19 There is a board of radiologic technologists.
 20 (2) The board consists of seven members appointed by
 21 the governor with the consent of the senate:
 22 (a) ~~two members~~ one member shall be radiologists a
 23 radiologist licensed to practice medicine in Montana;
 24 (b) one member shall be a physician licensed to
 25 practice medicine in Montana who employs at least one person

1 granted a permit issued by the board pursuant to 37-14-306;
 2 ~~(b)(c)~~ one member shall be a person granted ~~an~~
 3 unlimited a permit issued by the board pursuant to
 4 37-14-306;
 5 ~~(c)(d)~~ one member shall be a public member; and
 6 ~~(d)(e)~~ three members shall be radiologic technologists
 7 registered with the American registry of radiologic
 8 technologists (ARRT) who, with the exception of the first
 9 appointed members, are licensed radiologic technologists.
 10 (3) Vacancies in unexpired terms shall be filled for
 11 the remainder of the term.
 12 (4) Each member shall serve for a term of 3 years.
 13 (5) The board is allocated to the department for
 14 administrative purposes only as prescribed in 2-15-121."
 15 Section 2. Section 37-14-102, MCA, is amended to read:
 16 "37-14-102. Definitions. In this chapter, unless the
 17 context clearly requires otherwise, the following
 18 definitions apply:
 19 (1) "Board" means the board of radiologic
 20 technologists provided for in 2-15-1848.
 21 (2) "Department" means the department of commerce.
 22 (3) "License" means an authorization to apply perform
 23 x-ray radiation--to procedures on persons issued-by-the
 24 department-of-commerce.
 25 (4) "Licensed practitioner" means a person licensed or



1 otherwise authorized by law to practice medicine, dentistry,
2 denturitry, dental hygiene, podiatry, chiropody, osteopathy,
3 or chiropractic.

4 (5) "Limited permit technician" means a person who
5 does not qualify for the issuance of a license under the
6 provisions of this chapter but who has demonstrated, to the
7 satisfaction of the board, the capability of performing
8 specified high-quality x-ray procedures without endangering
9 public health and safety.

10 (6) "Performance of x-ray procedures" means the
11 involvement or completion of any portion of an x-ray
12 procedure that may have an effect on the patient's
13 accumulated x-ray radiation exposure, including positioning
14 of the patient, technique selection, selection of ancillary
15 equipment, initiation of exposure, and darkroom procedures.

16 (5)(7) "Permit" means an authorization which may be
17 granted by the board to apply perform x-ray radiation--to
18 procedures on persons when the applicant's qualifications do
19 not meet standards required for the issuance of a license.

20 (6)(8) "Radiologic technologist" means a person other
21 than a licensed practitioner who applies has qualified under
22 the provisions of this chapter for the issuance of a license
23 to perform diagnostic x-ray radiation--to procedures on
24 persons and who performs the following functions in
25 connection with the diagnostic procedure:

1 (a) operates x-ray equipment to reveal the internal
2 condition of patients for the diagnosis of fractures,
3 diseases, and other injuries;

4 (b) prepares and positions patients for x-ray
5 procedures;

6 (c) selects the proper radiographic technique for
7 visualization of specific internal structures of the human
8 body;

9 (d) selects the proper ancillary equipment to be
10 utilized in the x-ray procedure to enhance the visualization
11 of the desired structure;

12 (e) prepares film processing solutions and develops or
13 processes the exposed x-ray film; and

14 (f) inspects, maintains, and performs minor repairs to
15 x-ray equipment."

16 Section 3. Section 37-14-301, MCA, is amended to read:
17 "37-14-301. Limitation of license authority --
18 exemptions. (1) No person may apply perform x-ray radiation
19 to procedures on a person unless licensed or granted a
20 limited permit under this chapter, with the following
21 provisos:

22 (a) Licensure is not required for:

23 (i) a student enrolled in and attending a school or
24 college of medicine, osteopathy, chiropody, podiatry,
25 dentistry, dental hygiene, chiropractic, or radiologic

1 technology who applies x-ray radiation to persons under the
2 specific direction of a person licensed to prescribe such
3 examinations or treatment;

4 (ii) a person administering x-ray examinations related
5 to the practice of dentistry or denturistry; or

6 (iii) a person who performs only darkroom procedures
7 and is under the supervision of a licensed radiologic
8 technologist or radiologist or is able to show evidence of
9 completion of formal training in darkroom procedures as
10 established by rule.

11 (b) Nothing in this chapter shall be construed to
12 limit or affect in any respect the practice of their
13 respective professions by duly licensed practitioners.

14 (2) A person licensed as a radiologic technologist may
15 apply perform x-ray radiation to procedures on persons for
16 medical, diagnostic, or therapeutic purposes under the
17 specific direction of a person licensed to prescribe such
18 examinations-or-treatments procedures.

19 (3) A radiologic technologist licensed under this
20 chapter may inject contrast media and radioactive isotopes
21 (radio-nuclide material) intravenously upon request of a
22 duly licensed practitioner. In the case of contrast media,
23 the licensed practitioner requesting the procedure or the
24 radiologist must be immediately available within the x-ray
25 department. Such injections must be for diagnostic studies

1 only and not for therapeutic purposes. The permitted
2 injections include peripheral intravenous injections but
3 specifically exclude intra-arterial or intracatheter
4 injections. An uncertified radiologic technologist, or a
5 permitholder limited permit technician under 37-14-306, or
6 an individual who is not licensed or authorized under
7 another licensing act may not perform any of the activities
8 listed in this subsection."

9 Section 4. Section 37-14-306, MCA, is amended to read:

10 "37-14-306. Permits. (1) The board may issue a permit
11 to an applicant not qualifying for the issuance of a license
12 under the provisions of this chapter but who has
13 demonstrated, to the satisfaction of ~~a---physician~~
14 ~~specializing---in---radiology---approved---by~~ the board, the
15 capability of performing high-quality x-ray examinations
16 procedures without endangering public health and safety. An
17 applicant must be required to demonstrate this capability by
18 completion of formal classroom training that meets the
19 standards established by rule and by means of examination.
20 Permits issued under provisions of this section and
21 37-14-305 shall specify x-ray examinations procedures,
22 defined and established by rule, that may be performed by
23 the holder. Permits shall be valid for a period not to
24 exceed 12 months but may be renewed under the provisions ~~for~~
25 original-issuance established by rule.

1 (2) Examinations for the issuance of a permit must
 2 include a written portion and may also include practical and
 3 oral portions as established by the board. The board shall
 4 provide applicants for permits the opportunity for
 5 examination at intervals not to exceed 6 months. A
 6 nonrefundable examination fee, established by the board,
 7 must be submitted prior to examination for a permit. An
 8 applicant failing the examination must be charged a
 9 nonrefundable examination fee for any subsequent
 10 examination. An applicant failing any subsequent examination
 11 shall meet any additional eligibility requirements
 12 established by rule for reexamination.

13 (2)(3) Applicants meeting minimum requirements for
 14 licensure shall be issued a temporary permit to work as a
 15 radiologic technologist. This temporary permit shall expire
 16 15 days after the date of first opportunity for examination.

17 (3)(4) The board shall issue temporary permits to
 18 uncertified unlicensed persons to perform x-ray examinations
 19 procedures when adequate evidence is provided the board that
 20 such a permit is necessary because of a regional hardship or
 21 emergency condition and that such person is capable of
 22 performing x-ray examinations procedures without endangering
 23 public health and safety. Temporary permits may not exceed
 24 12 months in duration but may be renewed by reestablishing,
 25 to the board's satisfaction, evidence of continued regional

1 hardship or emergency conditions. The required adequate
 2 evidence of regional hardship, emergency conditions, and
 3 capability to perform x-ray procedures without endangering
 4 public health and safety must be established by rule.

5 (5) Each applicant for a permit must:
 6 (a) be of good moral character;
 7 (b) be at least 18 years of age; and
 8 (c) not be addicted to intemperate use of alcohol or
 9 narcotic drugs."

10 Section 5. Section 37-14-307, MCA, is amended to read:
 11 "37-14-307. Duty to carry, display license or permit.
 12 Each radiologic technologist or limited permit technician
 13 shall carry or display his license or permit while at work.
 14 The license or permit shall be displayed on request."

15 Section 6. Section 37-14-310, MCA, is amended to read:
 16 "37-14-310. ~~Biennial~~ Annual renewal -- fee --
 17 reissuance of license. (1) Licenses expire annually on the
 18 date established by rule of the department ~~in-the-first~~
 19 ~~even-numbered-year-following-the-year-of-their-issuance--and~~
 20 ~~on-every-even-numbered-year-thereafter.~~

21 (2) A license shall be renewed by the board upon
 22 payment of a license fee set by the board and submission of
 23 a renewal application containing such information as the
 24 board considers necessary to show that the applicant for
 25 renewal is a radiologic 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 7. Section 37-14-321, MCA, is amended to read:

8 "37-14-321. Revocation or suspension of license or
 9 permit. A license or permit may be suspended for a fixed
 10 period or may be revoked, or such technologist or technician
 11 may be censured, reprimanded, or otherwise disciplined as
 12 determined by the board if, after a hearing before the
 13 board, it is determined that the radiologic technologist or
 14 limited permit technician:

15 (1) is guilty of fraud or deceit in activities as a
 16 radiologic technologist or limited permit technician or has
 17 been guilty of any fraud or deceit in procuring the license
 18 or permit;

19 (2) has been convicted in a court of competent
 20 jurisdiction of a crime involving moral turpitude;

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

24 (4) is guilty of unethical conduct, as defined by
 25 rules promulgated by the board, or has been guilty of

1 incompetence or negligence in his activities as a radiologic
 2 technologist or limited permit technician;

3 (5) has continued to perform as a radiologic
 4 technologist or limited permit technician without obtaining
 5 a license or ~~license~~ permit or renewal as required by this
 6 chapter."

7 NEW SECTION. Section 8. Applicability. Two-year
 8 licenses issued by the department under 37-14-310 are valid
 9 until the expiration date established by the department.
 10 Upon expiration, renewal must be done annually as provided
 11 in 37-14-310, as amended by this act.

12 NEW SECTION. Section 9. Effective date. This act is
 13 effective on passage and approval.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 172-85

Form BD-15

In compliance with a written request received January 22, 19 85, there is hereby submitted a Fiscal Note for S.B. 173 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to generally revise the laws relating to the practice of radiologic technology; restructuring the board; defining "limited permit technician" and revising permit holder procedures; additional rule making authority; providing for annual licensure and disciplinary procedures for limited permit technicians.

ASSUMPTIONS:

1. Assume annual renewal to increase revenue beginning in February of 1986
2. Assume 440 licensed radiologic technologists at \$30 annually
3. Assume expenditures to remain at current level
4. Limited permit technicians currently renew on annual basis

FISCAL IMPACT ON STATE SPECIAL REVENUES:

Revenue:	<u>Under Current Law</u>	<u>Under Proposed Law</u>	<u>Biennial Impact</u>
FY 86	\$ 6,800	\$ 13,600	\$ 6,800
FY 87	\$ 6,800	\$ 13,600	6,800
			\$ <u>13,600</u>

Revenue will reflect annual renewal fees based on FY 85 current level of \$13,600 per year rather than biennially.

Expenditures will remain at current level.

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 28, 1985

SB 173

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

STATEMENT OF INTENT

SENATE BILL 173

Senate Public Health, Welfare and Safety Committee

This bill is a response to Volume 40 Opinions of the Attorney General No. 50. A statement of intent is required for this bill because it delegates rulemaking authority to the board of radiologic technologists.

It is the intent of the legislature that the board be required by section 3 of this bill to adopt rules establishing the standards of formal classroom training in darkroom procedures for those individuals who, by reason of their training and the fact that they perform only darkroom procedures, are exempt from licensure.

It is the intent of the legislature that the board be required by section 4 of this bill to adopt rules:

- (1) setting standards of formal classroom training for permit holders;
- (2) defining specific x-ray procedures the permit holders will be allowed to perform;
- (3) regarding the renewal of permits;
- (4) establishing a written and oral portion of the examination and defining the circumstances under which those portions will be required;
- (5) outlining additional eligibility requirements when

an applicant fails an examination; and

(6) defining adequate evidence of regional hardship, emergency conditions, and capability to perform high-quality x-ray procedures.

It is the intent of the legislature that section 6 of this bill require that the department of commerce establish renewal dates for licenses.

Further, it is the intent of the legislature that section 7 of this bill delegate authority to the board to adopt rules defining unethical conduct for the purpose of establishing disciplinary standards for limited permit technicians.



SENATE BILL NO. 173

INTRODUCED BY HAFNEY, LYNCH, KEENAN

BY REQUEST OF THE BOARD OF RADIOLOGIC TECHNOLOGISTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO THE PRACTICE OF RADIOLOGIC TECHNOLOGY; RESTRUCTURING THE BOARD OF RADIOLOGIC TECHNOLOGISTS; DEFINING "LIMITED PERMIT TECHNICIAN"; REVISING LIMITED PERMITHOLDER PROCEDURES; GIVING THE BOARD ADDITIONAL RULEMAKING AUTHORITY; PROVIDING FOR ANNUAL LICENSURE; PROVIDING FOR DISCIPLINARY PROCEDURES FOR LIMITED PERMIT TECHNICIANS; AMENDING SECTIONS 2-15-1848, 37-14-102, 37-14-301, 37-14-306, 37-14-307, 37-14-310, AND 37-14-321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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There is a board of radiologic technologists.

(2) The board consists of seven members appointed by the governor with the consent of the senate:

(a) ~~two-members~~ one member shall be ~~radiologists~~ a radiologist licensed to practice medicine in Montana;

(b) one member shall be a physician licensed to practice medicine in Montana who employs at least one person

granted a permit issued by the board pursuant to 37-14-306;

~~(b)(c)~~ one member shall be a person granted an unlimited a permit issued by the board pursuant to 37-14-306;

~~(c)(d)~~ one member shall be a public member; and

~~(d)(e)~~ three members shall be radiologic technologists registered with the American registry of radiologic technologists (ARRT) who, with the exception of the first appointed members, are licensed radiologic technologists.

(3) Vacancies in unexpired terms shall be filled for the remainder of the term.

(4) Each member shall serve for a term of 3 years.

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 2. Section 37-14-102, MCA, is amended to read:

"37-14-102. Definitions. In this chapter, unless the context clearly requires otherwise, the following definitions apply:

(1) "Board" means the board of radiologic technologists provided for in 2-15-1848.

(2) "Department" means the department of commerce.

(3) "License" means an authorization ISSUED BY THE DEPARTMENT to apply perform x-ray radiation-to procedures on persons issued-by-the-department-of-commerce.

(4) "Licensed practitioner" means a person licensed or



1 otherwise authorized by law to practice medicine, dentistry,
2 denturitry, dental hygiene, podiatry, chiroprody, osteopathy,
3 or chiropractic.

4 (5) "Limited permit technician" means a person who
5 does not qualify for the issuance of a license under the
6 provisions of this chapter but who has demonstrated, to the
7 satisfaction of the board, the capability of performing
8 specified high-quality x-ray procedures without endangering
9 public health and safety.

10 (6) "Performance of x-ray procedures" means the
11 involvement or completion of any portion of an x-ray
12 procedure that may have an effect on the patient's
13 accumulated x-ray radiation exposure, including positioning
14 of the patient, technique selection, selection of ancillary
15 equipment, initiation of exposure, and darkroom procedures.

16 ~~†5†~~(7) "Permit" means an authorization which may be
17 granted by the board to ~~apply perform~~ x-ray radiation-to
18 ~~procedures on~~ persons when the applicant's qualifications do
19 not meet standards required for the issuance of a license.

20 ~~†6†~~(8) "Radiologic technologist" means a person other
21 than a licensed practitioner who ~~applies~~ has qualified under
22 the provisions of this chapter for the issuance of a license
23 to perform diagnostic x-ray radiation--to procedures on
24 persons and who performs the following functions in
25 connection with the diagnostic procedure:

1 (a) operates x-ray equipment to reveal the internal
2 condition of patients for the diagnosis of fractures,
3 diseases, and other injuries;

4 (b) prepares and positions patients for x-ray
5 procedures;

6 (c) selects the proper radiographic technique for
7 visualization of specific internal structures of the human
8 body;

9 (d) selects the proper ancillary equipment to be
10 utilized in the x-ray procedure to enhance the visualization
11 of the desired structure;

12 (e) prepares film processing solutions and develops or
13 processes the exposed x-ray film; and

14 (f) inspects, maintains, and performs minor repairs to
15 x-ray equipment."

16 Section 3. Section 37-14-301, MCA, is amended to read:
17 "37-14-301. Limitation of license authority --
18 exemptions. (1) No person may ~~apply perform~~ x-ray radiation
19 ~~to procedures on~~ a person unless licensed or granted a
20 limited permit under this chapter, with the following
21 provisos:

22 (a) Licensure is not required for:

23 (i) a student enrolled in and attending a school or
24 college of medicine, osteopathy, chiroprody, podiatry,
25 dentistry, dental hygiene, chiropractic, or radiologic

1 technology who applies x-ray radiation to persons under the
2 specific direction of a person licensed to prescribe such
3 examinations or treatment;

4 (ii) a person administering x-ray examinations related
5 to the practice of dentistry or dentistry; or

6 (iii) a person who performs only darkroom procedures
7 and is under the supervision of a licensed radiologic
8 technologist or radiologist or is able to show evidence of
9 completion of formal training in darkroom procedures as
10 established by rule.

11 (b) Nothing in this chapter shall be construed to
12 limit or affect in any respect the practice of their
13 respective professions by duly licensed practitioners.

14 (2) A person licensed as a radiologic technologist may
15 ~~apply perform~~ x-ray radiation to procedures on persons for
16 medical, diagnostic, or therapeutic purposes under the
17 specific direction of a person licensed to prescribe such
18 ~~examinations-or-treatments~~ procedures.

19 (3) A radiologic technologist licensed under this
20 chapter may inject contrast media and radioactive isotopes
21 (radio-nuclide material) intravenously upon request of a
22 duly licensed practitioner. In the case of contrast media,
23 the licensed practitioner requesting the procedure or the
24 radiologist must be immediately available within the x-ray
25 department. Such injections must be for diagnostic studies

1 only and not for therapeutic purposes. The permitted
2 injections include peripheral intravenous injections but
3 specifically exclude intra-arterial or intracatheter
4 injections. An uncertified radiologic technologist, ~~or a~~
5 permitholder limited permit technician under 37-14-306, or
6 an individual who is not licensed or authorized under
7 another licensing act may not perform any of the activities
8 listed in this subsection."

9 Section 4. Section 37-14-306, MCA, is amended to read:

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11 to an applicant not qualifying for the issuance of a license
12 under the provisions of this chapter but who has
13 demonstrated, to the satisfaction of ~~a~~ physician
14 specializing in radiology approved by the board, the
15 capability of performing high-quality x-ray examinations
16 procedures without endangering public health and safety. An
17 applicant must be required to demonstrate this capability by
18 completion of formal classroom training that meets the
19 standards established by rule and by means of examination.
20 Permits issued under provisions of this section and
21 37-14-305 shall specify x-ray examinations procedures,
22 defined and established by rule, that may be performed by
23 the holder. Permits shall be valid for a period not to
24 exceed 12 months but may be renewed under the provisions for
25 original issuance established by rule.

1 (2) Examinations for the issuance of a permit must
 2 include a written portion and may also include practical and
 3 oral portions as established by the board. The board shall
 4 provide applicants for permits the opportunity for
 5 examination at intervals not to exceed 6 months. A
 6 nonrefundable examination fee, established by the board,
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 9 nonrefundable examination fee for any subsequent
 10 examination. An applicant failing any subsequent examination
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 12 established by rule for reexamination.

13 ~~(2)~~(3) Applicants meeting minimum requirements for
 14 licensure shall be issued a temporary permit to work as a
 15 radiologic technologist. This temporary permit shall expire
 16 15 days after the date of first opportunity for examination.

17 ~~(3)~~(4) The board shall issue temporary permits to
 18 uncertified unlicensed persons to perform x-ray examinations
 19 procedures when adequate evidence is provided the board that
 20 such a permit is necessary because of a regional hardship or
 21 emergency condition and that such person is capable of
 22 performing x-ray examinations procedures without endangering
 23 public health and safety. Temporary permits may not exceed
 24 12 months in duration but may be renewed by reestablishing,
 25 to the board's satisfaction, evidence of continued regional

1 hardship or emergency conditions. The required adequate
 2 evidence of regional hardship, emergency conditions, and
 3 capability to perform x-ray procedures without endangering
 4 public health and safety must be established by rule.

5 (5) Each applicant for a permit must:
 6 (a) be of good moral character;
 7 (b) be at least 18 years of age; and
 8 (c) not be addicted to intemperate use of alcohol or
 9 narcotic drugs."

10 Section 5. Section 37-14-307, MCA, is amended to read:
 11 "37-14-307. Duty to carry, display license or permit.
 12 Each radiologic technologist or limited permit technician
 13 shall carry or display his license or permit while at work.
 14 The license or permit shall be displayed on request."

15 Section 6. Section 37-14-310, MCA, is amended to read:
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 17 reissuance of license. (1) Licenses expire annually on the
 18 date established by rule of the department ~~in--the--first~~
 19 ~~even-numbered--year-following-the-year-of-their-issuance-and~~
 20 ~~on-every-even-numbered-year-thereafter.~~

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

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

8 "37-14-321. Revocation or suspension of license or
 9 permit. A license or permit may be suspended for a fixed
 10 period or may be revoked, or such technologist or technician
 11 may be censured, reprimanded, or otherwise disciplined as
 12 determined by the board if, after a hearing before the
 13 board, it is determined that the radiologic technologist or
 14 limited permit technician:

15 (1) is guilty of fraud or deceit in activities as a
 16 radiologic technologist or limited permit technician or has
 17 been guilty of any fraud or deceit in procuring the license
 18 or permit;

19 (2) has been convicted in a court of competent
 20 jurisdiction of a crime involving moral turpitude;

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

24 (4) is guilty of unethical conduct, as defined by
 25 rules promulgated by the board, or has been guilty of

1 incompetence or negligence in his activities as a radiologic
 2 technologist or limited permit technician;

3 (5) has continued to perform as a radiologic
 4 technologist or limited permit technician without obtaining
 5 a license or license permit or renewal as required by this
 6 chapter."

7 NEW SECTION. Section 8. Applicability. Two-year
 8 licenses issued by the department under 37-14-310 are valid
 9 until the expiration date established by the department.
 10 Upon expiration, renewal must be done annually as provided
 11 in 37-14-310, as amended by this act.

12 NEW SECTION. Section 9. Effective date. This act is
 13 effective on passage and approval.

-End-

STATEMENT OF INTENT

SENATE BILL 173

Senate Public Health, Welfare and Safety Committee

This bill is a response to Volume 40 Opinions of the Attorney General No. 50. A statement of intent is required for this bill because it delegates rulemaking authority to the board of radiologic technologists.

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It is the intent of the legislature that the board be required by section 4 of this bill to adopt rules:

- (1) setting standards of formal classroom training for permit holders;
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- (3) regarding the renewal of permits;
- (4) establishing a written and oral portion of the examination and defining the circumstances under which those portions will be required;
- (5) outlining additional eligibility requirements when

an applicant fails an examination; and

(6) defining adequate evidence of regional hardship, emergency conditions, and capability to perform high-quality x-ray procedures.

It is the intent of the legislature that section 6 of this bill require that the department of commerce establish renewal dates for licenses.

Further, it is the intent of the legislature that section 7 of this bill delegate authority to the board to adopt rules defining unethical conduct for the purpose of establishing disciplinary standards for limited permit technicians.

1 SENATE BILL NO. 173

2 INTRODUCED BY HAFPEY, LYNCH, KEENAN

3 BY REQUEST OF THE BOARD OF RADIOLOGIC TECHNOLOGISTS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 LAWS RELATING TO THE PRACTICE OF RADIOLOGIC TECHNOLOGY;
7 RESTRUCTURING THE BOARD OF RADIOLOGIC TECHNOLOGISTS;
8 DEFINING "LIMITED PERMIT TECHNICIAN"; REVISING LIMITED
9 PERMITHOLDER PROCEDURES; GIVING THE BOARD ADDITIONAL
10 RULEMAKING AUTHORITY; PROVIDING FOR ANNUAL LICENSURE;
11 PROVIDING FOR DISCIPLINARY PROCEDURES FOR LIMITED PERMIT
12 TECHNICIANS; AMENDING SECTIONS 2-15-1848, 37-14-102,
13 37-14-301, 37-14-306, 37-14-307, 37-14-310, AND 37-14-321,
14 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Section 1. Section 2-15-1848, MCA, is amended to read:

18 "2-15-1848. Board of radiologic technologists. (1)

19 There is a board of radiologic technologists.

20 (2) The board consists of seven members appointed by
21 the governor with the consent of the senate:22 (a) two-members one member shall be radiologists a
23 radiologist licensed to practice medicine in Montana;24 (b) one member shall be a physician licensed to
25 practice medicine in Montana who employs at least one person1 granted a permit issued by the board pursuant to 37-14-306;2 ~~(b)(c)~~ one member shall be a person granted an
3 unlimited a permit issued by the board pursuant to
4 37-14-306;5 ~~(c)(d)~~ one member shall be a public member; and6 ~~(d)(e)~~ three members shall be radiologic technologists
7 registered with the American registry of radiologic
8 technologists (ARRT) who, with the exception of the first
9 appointed members, are licensed radiologic technologists.10 (3) Vacancies in unexpired terms shall be filled for
11 the remainder of the term.

12 (4) Each member shall serve for a term of 3 years.

13 (5) The board is allocated to the department for
14 administrative purposes only as prescribed in 2-15-121."

15 Section 2. Section 37-14-102, MCA, is amended to read:

16 "37-14-102. Definitions. In this chapter, unless the
17 context clearly requires otherwise, the following
18 definitions apply:19 (1) "Board" means the board of radiologic
20 technologists provided for in 2-15-1848.

21 (2) "Department" means the department of commerce.

22 (3) "License" means an authorization ISSUED BY THE
23 DEPARTMENT to apply perform x-ray radiation-to procedures on
24 persons issued-by-the-department-of-commerce.

25 (4) "Licensed practitioner" means a person licensed or

1 otherwise authorized by law to practice medicine, dentistry,
2 denturistry, dental hygiene, podiatry, chiropody, osteopathy,
3 or chiropractic.

4 (5) "Limited permit technician" means a person who
5 does not qualify for the issuance of a license under the
6 provisions of this chapter but who has demonstrated, to the
7 satisfaction of the board, the capability of performing
8 specified high-quality x-ray procedures without endangering
9 public health and safety.

10 (6) "Performance of x-ray procedures" means the
11 involvement or completion of any portion of an x-ray
12 procedure that may have an effect on the patient's
13 accumulated x-ray radiation exposure, including positioning
14 of the patient, technique selection, selection of ancillary
15 equipment, initiation of exposure, and darkroom procedures.

16 ~~(5)(7)~~ "Permit" means an authorization which may be
17 granted by the board to apply perform x-ray radiation-to
18 procedures on persons when the applicant's qualifications do
19 not meet standards required for the issuance of a license.

20 ~~(6)(8)~~ "Radiologic technologist" means a person other
21 than a licensed practitioner who applies has qualified under
22 the provisions of this chapter for the issuance of a license
23 to perform diagnostic x-ray radiation--to procedures on
24 persons and who performs the following functions in
25 connection with the diagnostic procedure:

1 (a) operates x-ray equipment to reveal the internal
2 condition of patients for the diagnosis of fractures,
3 diseases, and other injuries;

4 (b) prepares and positions patients for x-ray
5 procedures;

6 (c) selects the proper radiographic technique for
7 visualization of specific internal structures of the human
8 body;

9 (d) selects the proper ancillary equipment to be
10 utilized in the x-ray procedure to enhance the visualization
11 of the desired structure;

12 (e) prepares film processing solutions and develops or
13 processes the exposed x-ray film; and

14 (f) inspects, maintains, and performs minor repairs to
15 x-ray equipment."

16 Section 3. Section 37-14-301, MCA, is amended to read:

17 "37-14-301. Limitation of license authority --
18 exemptions. (1) No person may apply perform x-ray radiation
19 to procedures on a person unless licensed or granted a
20 limited permit under this chapter, with the following
21 provisos:

22 (a) Licensure is not required for:

23 (i) a student enrolled in and attending a school or
24 college of medicine, osteopathy, chiropody, podiatry,
25 dentistry, dental hygiene, chiropractic, or radiologic

1 technology who applies x-ray radiation to persons under the
2 specific direction of a person licensed to prescribe such
3 examinations or treatment;

4 (ii) a person administering x-ray examinations related
5 to the practice of dentistry or denturistry; or

6 (iii) a person who performs only darkroom procedures
7 and is under the supervision of a licensed radiologic
8 technologist or radiologist or is able to show evidence of
9 completion of formal training in darkroom procedures as
10 established by rule.

11 (b) Nothing in this chapter shall be construed to
12 limit or affect in any respect the practice of their
13 respective professions by duly licensed practitioners.

14 (2) A person licensed as a radiologic technologist may
15 apply perform x-ray radiation-to procedures on persons for
16 medical, diagnostic, or therapeutic purposes under the
17 specific direction of a person licensed to prescribe such
18 examinations-or-treatments procedures.

19 (3) A radiologic technologist licensed under this
20 chapter may inject contrast media and radioactive isotopes
21 (radio-nuclide material) intravenously upon request of a
22 duly licensed practitioner. In the case of contrast media,
23 the licensed practitioner requesting the procedure or the
24 radiologist must be immediately available within the x-ray
25 department. Such injections must be for diagnostic studies

1 only and not for therapeutic purposes. The permitted
2 injections include peripheral intravenous injections but
3 specifically exclude intra-arterial or intracatheter
4 injections. An uncertified radiologic technologist, or a
5 permitter limited permit technician under 37-14-306, or
6 an individual who is not licensed or authorized under
7 another licensing act may not perform any of the activities
8 listed in this subsection."

9 Section 4. Section 37-14-306, MCA, is amended to read:

10 "37-14-306. Permits. (1) The board may issue a permit
11 to an applicant not qualifying for the issuance of a license
12 under the provisions of this chapter but who has
13 demonstrated, to the satisfaction of a---physician
14 specializing-in-radiology--approved--by the board, the
15 capability of performing high-quality x-ray examinations
16 procedures without endangering public health and safety. An
17 applicant must be required to demonstrate this capability by
18 completion of formal classroom training that meets the
19 standards established by rule and by means of examination.
20 Permits issued under provisions of this section and
21 37-14-305 shall specify x-ray examinations procedures,
22 defined and established by rule, that may be performed by
23 the holder. Permits shall be valid for a period not to
24 exceed 12 months but may be renewed under the provisions for
25 original-issuance established by rule.

1 (2) Examinations for the issuance of a permit must
 2 include a written portion and may also include practical and
 3 oral portions as established by the board. The board shall
 4 provide applicants for permits the opportunity for
 5 examination at intervals not to exceed 6 months. A
 6 nonrefundable examination fee, established by the board,
 7 must be submitted prior to examination for a permit. An
 8 applicant failing the examination must be charged a
 9 nonrefundable examination fee for any subsequent
 10 examination. An applicant failing any subsequent examination
 11 shall meet any additional eligibility requirements
 12 established by rule for reexamination.

13 (2)(3) Applicants meeting minimum requirements for
 14 licensure shall be issued a temporary permit to work as a
 15 radiologic technologist. This temporary permit shall expire
 16 15 days after the date of first opportunity for examination.

17 (3)(4) The board shall issue temporary permits to
 18 uncertified unlicensed persons to perform x-ray examinations
 19 procedures when adequate evidence is provided the board that
 20 such a permit is necessary because of a regional hardship or
 21 emergency condition and that such person is capable of
 22 performing x-ray examinations procedures without endangering
 23 public health and safety. Temporary permits may not exceed
 24 12 months in duration but may be renewed by reestablishing,
 25 to the board's satisfaction, evidence of continued regional

1 hardship or emergency conditions. The required adequate
 2 evidence of regional hardship, emergency conditions, and
 3 capability to perform x-ray procedures without endangering
 4 public health and safety must be established by rule.

5 (5) Each applicant for a permit must:

6 (a) be of good moral character;

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

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

10 Section 5. Section 37-14-307, MCA, is amended to read:

11 "37-14-307. Duty to carry, display license or permit.

12 Each radiologic technologist or limited permit technician
 13 shall carry or display his license or permit while at work.
 14 The license or permit shall be displayed on request."

15 Section 6. Section 37-14-310, MCA, is amended to read:

16 "37-14-310. ~~Biennial~~ Annual renewal -- fee --
 17 reissuance of license. (1) Licenses expire annually on the
 18 date established by rule of the department in--the--first
 19 even-numbered--year-following-the-year-of-their-issuance-and
 20 on--every--even-numbered-year-thereafter.

21 (2) A license shall be renewed by the board upon
 22 payment of a license fee set by the board and submission of
 23 a renewal application containing such information as the
 24 board considers necessary to show that the applicant for
 25 renewal is a radiologic 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 7. Section 37-14-321, MCA, is amended to read:

8 "37-14-321. Revocation or suspension of license or
 9 permit. A license or permit may be suspended for a fixed
 10 period or may be revoked, or such technologist or technician
 11 may be censured, reprimanded, or otherwise disciplined as
 12 determined by the board if, after a hearing before the
 13 board, it is determined that the radiologic technologist or
 14 limited permit technician:

15 (1) is guilty of fraud or deceit in activities as a
 16 radiologic technologist or limited permit technician or has
 17 been guilty of any fraud or deceit in procuring the license
 18 or permit;

19 (2) has been convicted in a court of competent
 20 jurisdiction of a crime involving moral turpitude;

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

24 (4) is guilty of unethical conduct, as defined by
 25 rules promulgated by the board, or has been guilty of

1 incompetence or negligence in his activities as a radiologic
 2 technologist or limited permit technician;

3 (5) has continued to perform as a radiologic
 4 technologist or limited permit technician without obtaining
 5 a license or ~~license~~ permit or renewal as required by this
 6 chapter."

7 NEW SECTION. Section 8. Applicability. Two-year
 8 licenses issued by the department under 37-14-310 are valid
 9 until the expiration date established by the department.
 10 Upon expiration, renewal must be done annually as provided
 11 in 37-14-310, as amended by this act.

12 NEW SECTION. Section 9. Effective date. This act is
 13 effective on passage and approval.

-End-

STATEMENT OF INTENT

SENATE BILL 173

Senate Public Health, Welfare and Safety Committee

This bill is a response to Volume 40 Opinions of the Attorney General No. 50. A statement of intent is required for this bill because it delegates rulemaking authority to the board of radiologic technologists.

It is the intent of the legislature that the board be required by section 3 of this bill to adopt rules establishing the standards of formal classroom training in darkroom procedures for those individuals who, by reason of their training and the fact that they perform only darkroom procedures, are exempt from licensure.

It is the intent of the legislature that the board be required by section 4 of this bill to adopt rules:

- (1) setting standards of formal classroom training for permit holders;
- (2) defining specific x-ray procedures the permit holders will be allowed to perform;
- (3) regarding the renewal of permits;
- (4) establishing a written and oral portion of the examination and defining the circumstances under which those portions will be required;
- (5) outlining additional eligibility requirements when

an applicant fails an examination; and

(6) defining adequate evidence of regional hardship, emergency conditions, and capability to perform high-quality x-ray procedures.

It is the intent of the legislature that section 6 of this bill require that the department of commerce establish renewal dates for licenses.

Further, it is the intent of the legislature that section 7 of this bill delegate authority to the board to adopt rules defining unethical conduct for the purpose of establishing disciplinary standards for limited permit technicians.

SENATE BILL NO. 173

INTRODUCED BY HAFPEY, LYNCH, KEENAN

BY REQUEST OF THE BOARD OF RADIOLOGIC TECHNOLOGISTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO THE PRACTICE OF RADIOLOGIC TECHNOLOGY; RESTRUCTURING THE BOARD OF RADIOLOGIC TECHNOLOGISTS; DEFINING "LIMITED PERMIT TECHNICIAN"; REVISING LIMITED PERMITHOLDER PROCEDURES; GIVING THE BOARD ADDITIONAL RULEMAKING AUTHORITY; PROVIDING FOR ANNUAL LICENSURE; PROVIDING FOR DISCIPLINARY PROCEDURES FOR LIMITED PERMIT TECHNICIANS; AMENDING SECTIONS 2-15-1848, 37-14-102, 37-14-301, 37-14-306, 37-14-307, 37-14-310, AND 37-14-321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 2-15-1848, MCA, is amended to read:

"2-15-1848. Board of radiologic technologists. (1)

There is a board of radiologic technologists.

(2) The board consists of seven members appointed by the governor with the consent of the senate:

(a) ~~two-members~~ one member shall be radiologists a radiologist licensed to practice medicine in Montana;

(b) one member shall be a physician licensed to practice medicine in Montana who employs at least one person

granted a permit issued by the board pursuant to 37-14-306;

~~(b)(c)~~ one member shall be a person granted an unlimited a permit issued by the board pursuant to 37-14-306;

~~(c)(d)~~ one member shall be a public member; and

~~(d)(e)~~ three members shall be radiologic technologists registered with the American registry of radiologic technologists (ARRT) who, with the exception of the first appointed members, are licensed radiologic technologists.

(3) Vacancies in unexpired terms shall be filled for the remainder of the term.

(4) Each member shall serve for a term of 3 years.

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 2. Section 37-14-102, MCA, is amended to read:

"37-14-102. Definitions. In this chapter, unless the context clearly requires otherwise, the following definitions apply:

(1) "Board" means the board of radiologic technologists provided for in 2-15-1848.

(2) "Department" means the department of commerce.

(3) "License" means an authorization ISSUED BY THE DEPARTMENT to ~~apply~~ perform x-ray radiation-~~to~~ procedures on persons ~~issued-by-the-department-of-commerce~~.

(4) "Licensed practitioner" means a person licensed or



1 otherwise authorized by law to practice medicine, dentistry,
2 denturistry, dental hygiene, podiatry, chiropody, osteopathy,
3 or chiropractic.

4 (5) "Limited permit technician" means a person who
5 does not qualify for the issuance of a license under the
6 provisions of this chapter but who has demonstrated, to the
7 satisfaction of the board, the capability of performing
8 specified high-quality x-ray procedures without endangering
9 public health and safety.

10 (6) "Performance of x-ray procedures" means the
11 involvement or completion of any portion of an x-ray
12 procedure that may have an effect on the patient's
13 accumulated x-ray radiation exposure, including positioning
14 of the patient, technique selection, selection of ancillary
15 equipment, initiation of exposure, and darkroom procedures.

16 (5)(7) "Permit" means an authorization which may be
17 granted by the board to apply perform x-ray radiation-to
18 procedures on persons when the applicant's qualifications do
19 not meet standards required for the issuance of a license.

20 (6)(8) "Radiologic technologist" means a person other
21 than a licensed practitioner who applies has qualified under
22 the provisions of this chapter for the issuance of a license
23 to perform diagnostic x-ray radiation--to procedures on
24 persons and who performs the following functions in
25 connection with the diagnostic procedure:

1 (a) operates x-ray equipment to reveal the internal
2 condition of patients for the diagnosis of fractures,
3 diseases, and other injuries;

4 (b) prepares and positions patients for x-ray
5 procedures;

6 (c) selects the proper radiographic technique for
7 visualization of specific internal structures of the human
8 body;

9 (d) selects the proper ancillary equipment to be
10 utilized in the x-ray procedure to enhance the visualization
11 of the desired structure;

12 (e) prepares film processing solutions and develops or
13 processes the exposed x-ray film; and

14 (f) inspects, maintains, and performs minor repairs to
15 x-ray equipment."

16 Section 3. Section 37-14-301, MCA, is amended to read:

17 "37-14-301. Limitation of license authority --
18 exemptions. (1) No person may apply perform x-ray radiation
19 to procedures on a person unless licensed or granted a
20 limited permit under this chapter, with the following
21 provisos:

22 (a) Licensure is not required for:

23 (i) a student enrolled in and attending a school or
24 college of medicine, osteopathy, chiropody, podiatry,
25 dentistry, dental hygiene, chiropractic, or radiologic

1 technology who applies x-ray radiation to persons under the
2 specific direction of a person licensed to prescribe such
3 examinations or treatment;

4 (ii) a person administering x-ray examinations related
5 to the practice of dentistry or denturistry; or

6 (iii) a person who performs only darkroom procedures
7 and is under the supervision of a licensed radiologic
8 technologist or radiologist or is able to show evidence of
9 completion of formal training in darkroom procedures as
10 established by rule.

11 (b) Nothing in this chapter shall be construed to
12 limit or affect in any respect the practice of their
13 respective professions by duly licensed practitioners.

14 (2) A person licensed as a radiologic technologist may
15 apply perform x-ray radiation to procedures on persons for
16 medical, diagnostic, or therapeutic purposes under the
17 specific direction of a person licensed to prescribe such
18 examinations-or-treatments procedures.

19 (3) A radiologic technologist licensed under this
20 chapter may inject contrast media and radioactive isotopes
21 (radio-nuclide material) intravenously upon request of a
22 duly licensed practitioner. In the case of contrast media,
23 the licensed practitioner requesting the procedure or the
24 radiologist must be immediately available within the x-ray
25 department. Such injections must be for diagnostic studies

1 only and not for therapeutic purposes. The permitted
2 injections include peripheral intravenous injections but
3 specifically exclude intra-arterial or intracatheter
4 injections. An uncertified radiologic technologist, or a
5 permitter limited permit technician under 37-14-306, or
6 an individual who is not licensed or authorized under
7 another licensing act may not perform any of the activities
8 listed in this subsection."

9 Section 4. Section 37-14-306, MCA, is amended to read:

10 "37-14-306. Permits. (1) The board may issue a permit
11 to an applicant not qualifying for the issuance of a license
12 under the provisions of this chapter but who has
13 demonstrated, to the satisfaction of a---physician
14 specializing--in--radiology--approved--by the board, the
15 capability of performing high-quality x-ray examinations
16 procedures without endangering public health and safety. An
17 applicant must be required to demonstrate this capability by
18 completion of formal classroom training that meets the
19 standards established by rule and by means of examination.
20 Permits issued under provisions of this section and
21 37-14-305 shall specify x-ray examinations procedures,
22 defined and established by rule, that may be performed by
23 the holder. Permits shall be valid for a period not to
24 exceed 12 months but may be renewed under the provisions for
25 original-issuance established by rule.

1 (2) Examinations for the issuance of a permit must
 2 include a written portion and may also include practical and
 3 oral portions as established by the board. The board shall
 4 provide applicants for permits the opportunity for
 5 examination at intervals not to exceed 6 months. A
 6 nonrefundable examination fee, established by the board,
 7 must be submitted prior to examination for a permit. An
 8 applicant failing the examination must be charged a
 9 nonrefundable examination fee for any subsequent
 10 examination. An applicant failing any subsequent examination
 11 shall meet any additional eligibility requirements
 12 established by rule for reexamination.

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

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

1 hardship or emergency conditions. The required adequate
 2 evidence of regional hardship, emergency conditions, and
 3 capability to perform x-ray procedures without endangering
 4 public health and safety must be established by rule.

5 (5) Each applicant for a permit must:

6 (a) be of good moral character;

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

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

10 Section 5. Section 37-14-307, MCA, is amended to read:

11 "37-14-307. Duty to carry, display license or permit.
 12 Each radiologic technologist or limited permit technician
 13 shall carry or display his license or permit while at work.
 14 The license or permit shall be displayed on request."

15 Section 6. Section 37-14-310, MCA, is amended to read:

16 "37-14-310. ~~Biennial~~ Annual renewal -- fee --
 17 reissuance of license. (1) Licenses expire annually on the
 18 date established by rule of the department ~~in--the--first~~
 19 ~~even-numbered--year-following-the-year-of-their-issuance-and~~
 20 ~~on-every-even-numbered-year-thereafter.~~

21 (2) A license shall be renewed by the board upon
 22 payment of a license fee set by the board and submission of
 23 a renewal application containing such information as the
 24 board considers necessary to show that the applicant for
 25 renewal is a radiologic 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 7. Section 37-14-321, MCA, is amended to read:

8 "37-14-321. Revocation or suspension of license or
 9 permit. A license or permit may be suspended for a fixed
 10 period or may be revoked, or such technologist or technician
 11 may be censured, reprimanded, or otherwise disciplined as
 12 determined by the board if, after a hearing before the
 13 board, it is determined that the radiologic technologist or
 14 limited permit technician:

15 (1) is guilty of fraud or deceit in activities as a
 16 radiologic technologist or limited permit technician or has
 17 been guilty of any fraud or deceit in procuring the license
 18 or permit;

19 (2) has been convicted in a court of competent
 20 jurisdiction of a crime involving moral turpitude;

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

24 (4) is guilty of unethical conduct, as defined by
 25 rules promulgated by the board, or has been guilty of

1 incompetence or negligence in his activities as a radiologic
 2 technologist or limited permit technician;

3 (5) has continued to perform as a radiologic
 4 technologist or limited permit technician without obtaining
 5 a license or license permit or renewal as required by this
 6 chapter."

7 NEW SECTION. Section 8. Applicability. Two-year
 8 licenses issued by the department under 37-14-310 are valid
 9 until the expiration date established by the department.
 10 Upon expiration, renewal must be done annually as provided
 11 in 37-14-310, as amended by this act.

12 NEW SECTION. Section 9. Effective date. This act is
 13 effective on passage and approval.

-End-