

HOUSE BILL 284

Introduced by Harper

1/17	Introduced
1/18	Referred to Business & Economic Development
1/19	Fiscal Note Requeste
1/24	Fiscal Note Received
1/26	Hearing
1/26	Fiscal Note Printed
1/27	Committee Report--Bill Passed as Amended
1/30	2nd Reading Passed
2/01	3rd Reaindg Passed

Transmitted to Senate

2/02	Referred to State Administration
3/15	Hearing
	Died in Committee

1 HOUSE BILL NO. 284
2 INTRODUCED BY Hagan
3 BY REQUEST OF THE DEPARTMENT OF COMMERCE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
6 LICENSURE OF RADIATION THERAPY TECHNOLOGISTS AND TO DEFINE
7 AND GENERALLY REGULATE THE PRACTICE OF THERAPEUTIC RADIATION
8 BY RADIATION THERAPY TECHNOLOGISTS; AMENDING SECTIONS
9 37-14-102, 37-14-301, 37-14-302, 37-14-306, 37-14-307, AND
10 37-14-321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
11

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

13 **Section 1.** Section 37-14-102, MCA, is amended to read:

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

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

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

20 (3) "License" means an authorization issued by the
21 department to perform x-ray or therapeutic radiation
22 procedures on persons.

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

1 or chiropractic.

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

8 (6) "Medical physicist" means a person, other than a
9 licensed practitioner or radiation therapy technologist, who
10 is certified or eligible to be certified by the American
11 college of radiology.

12 (7) "Perform therapeutic radiation procedures" means
13 to involve or complete any portion of a therapeutic
14 radiation procedure, including simulation, positioning of
15 the patient, constructing treatment aids, treatment
16 calculations, treatment delivery, and port film acquisition.

17 {6}(8) "Performance of x-ray procedures" means the
18 involvement or completion of any portion of an x-ray
19 procedure that may have an effect on the patient's
20 accumulated x-ray radiation exposure, including positioning
21 of the patient, technique selection, selection of ancillary
22 equipment, initiation of exposure, and darkroom procedures.

23 {7}(9) "Permit" means an authorization which may be
24 granted by the board to perform x-ray procedures on persons
25 when the applicant's qualifications do not meet standards

1 required for the issuance of a license.

2 (10) "Radiation therapy technologist" means a person
 3 other than a licensed practitioner or medical physicist who
 4 is qualified under the provisions of this chapter for the
 5 issuance of a license to perform therapeutic radiation
 6 procedures on persons and who performs the following
 7 functions in connection with the therapeutic procedures:

8 (a) operates x-ray simulators for placement of the
 9 treatment fields;

10 (b) prepares and positions patients for simulation and
 11 treatment;

12 (c) performs calculations to determine the amount of
 13 time or monitor units, or both, required to deliver the
 14 prescribed dose at the prescribed depth;

15 (d) selects proper ancillary equipment to be used
 16 during the therapeutic radiation procedure;

17 (e) selects proper film and exposure to produce
 18 simulation and port films;

19 (f) prepares film processing solutions and develops or
 20 processes the exposed x-ray film;

21 (g) performs machine warmups and pretreatment quality
 22 assurance checks;

23 (h) inspects, maintains, and performs minor repairs to
 24 therapeutic radiation equipment;

25 (i) assesses patients daily to determine whether

1 treatments should be withheld until a radiation oncologist
 2 determines appropriate action;

3 (j) possesses knowledge of critical organ doses so
 4 that treatments are not delivered above these doses without
 5 the radiation oncologist's prescription; or

6 (k) delivers therapeutic radiation that includes but
 7 is not limited to gamma rays, x-rays, electrons, protons,
 8 and neutrons.

9 ~~(8)~~ (11) "Radiologic technologist" means a person other
 10 than a licensed practitioner who has qualified under the
 11 provisions of this chapter for the issuance of a license to
 12 perform diagnostic x-ray procedures on persons and who
 13 performs the following functions in connection with the
 14 diagnostic procedure:

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

18 (b) prepares and positions patients for x-ray
 19 procedures;

20 (c) selects the proper radiographic technique for
 21 visualization of specific internal structures of the human
 22 body;

23 (d) selects the proper ancillary equipment to be
 24 utilized in the x-ray procedure to enhance the visualization
 25 of the desired structure;

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

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

Section 2. Section 37-14-301, MCA, is amended to read:

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

(a) Licensure is not required for:

(i) 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 specific direction of a person licensed to prescribe such examinations or treatment;

(ii) a person administering x-ray examinations related to the practice of dentistry or denturistry, provided such person is certified by the board of dentistry as having passed an examination testing his proficiency to administer x-ray examinations; or

(iii) a person who performs only darkroom procedures and is under the supervision of a licensed radiologic technologist or radiologist or is able to show evidence of completion of formal training in darkroom procedures as

established by rule;

(iv) a student enrolled in and attending an approved school of radiation therapy who performs:

(A) planning procedures under the specific direction of a person licensed to perform such procedures; or

(B) therapeutic radiation procedures under the direct supervision of a person licensed to perform such procedures; or

(v) a medical physicist.

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

(2) (a) A person licensed as a radiologic technologist may perform x-ray procedures on persons for medical, or diagnostic,--or--therapeutic purposes under the specific direction of a person licensed to prescribe such procedures.

(b) A person licensed as a radiation therapy technologist may perform therapeutic radiation procedures under the specific direction of a person licensed to prescribe such procedures.

(3) A radiologic technologist licensed under this chapter may inject contrast media and radioactive isotopes (radio-nuclide material) intravenously upon request of a duly licensed practitioner. In the case of contrast media, the licensed practitioner requesting the procedure or the

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

11 **Section 3.** Section 37-14-302, MCA, is amended to read:

12 "37-14-302. **Qualifications.** (1) Each applicant for
 13 licensure as a radiologic technologist shall have
 14 satisfactorily completed a 24-month course of study in
 15 radiologic technology approved by the board.

16 (2) Each applicant for licensure as a radiologic
 17 technologist or a radiation therapy technologist shall:

- 18 (a) be of good moral character;
- 19 (b) be at least 18 years of age; and
- 20 (c) not be addicted to intemperate use of alcohol or
 21 narcotic drugs.

22 (3) Each applicant for licensure as a radiation
 23 therapy technologist shall have satisfactorily completed:

- 24 (a) a 12-month board-approved course of study in
 25 radiation therapy technology and shall hold certification in

1 radiologic technology;

2 (b) a 24-month board-approved course of study in
 3 radiation therapy technology;

4 (c) a board-approved baccalaureate course of study in
 5 radiation therapy technology; or

6 (d) 5 years of full-time employment or experience as a
 7 licensed radiologic technologist under the direct
 8 supervision of:

9 (i) a radiation oncologist certified by the American
 10 college of radiology;

11 (ii) a radiologist certified by the American college of
 12 radiology;

13 (iii) a radiation therapy technologist; or

14 (iv) any combination of subsections (i) through (iii)
 15 of this subsection (3)(d)."

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

17 "37-14-306. **Permits.** (1) The board may issue a permit
 18 to an applicant not qualifying for the issuance of a license
 19 to practice as a radiologic technologist under the
 20 provisions of this chapter but who has demonstrated, to the
 21 satisfaction of the board, the capability of performing
 22 high-quality x-ray procedures without endangering public
 23 health and safety. An applicant must be required to
 24 demonstrate this capability by completion of formal
 25 classroom training that meets the standards established by

rule and by means of examination. Permits issued under provisions of this section and 37-14-305 shall specify x-ray procedures, defined and established by rule, that may be performed by the holder. Permits shall be valid for a period not to exceed 12 months but may be renewed under the provisions established by rule.

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

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

(4) The board shall issue temporary permits to unlicensed persons to perform x-ray procedures when adequate evidence is provided the board that such a permit is

necessary because of a regional hardship or emergency condition and that such person is capable of performing x-ray procedures without endangering public health and safety. Temporary permits may not exceed 12 months in duration but may be renewed by reestablishing, to the board's satisfaction, evidence of continued regional hardship or emergency conditions. The required adequate evidence of regional hardship, emergency conditions, and capability to perform x-ray procedures without endangering public health and safety must be established by rule.

(5) Each applicant for a permit must:

- (a) be of good moral character;
- (b) be at least 18 years of age; and
- (c) not be addicted to intemperate use of alcohol or narcotic drugs.

(6) No limited permits may be issued for the practice of radiation therapy."

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

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

Each radiologic technologist, radiation therapy technologist, or limited permit technician shall carry or display his license or permit while at work. The license or permit shall be displayed on request."

Section 6. Section 37-14-321, MCA, is amended to read:

"37-14-321. Revocation or suspension of license or

1 permit -- other penalties. A license or permit may be
 2 suspended for a fixed period or may be revoked, or such
 3 technologist or technician may be censured, reprimanded,
 4 finned not to exceed \$500 for each incident, or otherwise
 5 disciplined as determined by the board if, after a hearing
 6 before the board, it is determined that the radiologic
 7 technologist, radiation therapy technologist, or limited
 8 permit technician:

9 (1) is guilty of fraud or deceit in activities as a
 10 radiologic technologist, radiation therapy technologist, or
 11 limited permit technician or has been guilty of any fraud or
 12 deceit in procuring the license or permit;

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

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

18 (4) is guilty of unethical conduct, as defined by
 19 rules promulgated by the board, or has been guilty of
 20 incompetence or negligence in his activities as a radiologic
 21 technologist, radiation therapy technologist, or limited
 22 permit technician;

23 (5) has continued to perform as a radiologic
 24 technologist, radiation therapy technologist, or limited
 25 permit technician without obtaining a license or permit or

1 renewal as required by this chapter."

2 NEW SECTION. **Section 7.** Extension of authority. Any
 3 existing authority to make rules on the subject of the
 4 provisions of [this act] is extended to the provisions of
 5 [this act].

6 NEW SECTION. **Section 8.** Effective date. [This act] is
 7 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB284, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The act provides for the licensure of radiation therapy technologists and defines and generally regulates the practice of therapeutic radiation by radiation therapy technologists and provides an immediate effective date.

ASSUMPTIONS:

1. The minimal workload generated by this act will be completed with current level funding.

FISCAL IMPACT: None

Ray Shackelford 1/24/89
RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Hal Harper 1/25/89
HAL HARPER, PRIMARY SPONSOR DATE

Fiscal Note for HB284, as introduced

HB 284

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 284

INTRODUCED BY HARPER

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
LICENSURE OF RADIATION THERAPY TECHNOLOGISTS AND TO DEFINE
AND GENERALLY REGULATE THE PRACTICE OF THERAPEUTIC RADIATION
BY RADIATION THERAPY TECHNOLOGISTS; AND AMENDING SECTIONS
37-14-102, 37-14-301, 37-14-302, 37-14-306, 37-14-307, 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 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 perform x-ray or therapeutic radiation
procedures on persons.

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

or chiropractic.

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

(6) "Medical physicist" means a person, other than a
licensed practitioner or radiation therapy technologist, who
is certified or eligible to be certified by the American
college of radiology.

(7) "Perform therapeutic radiation procedures" means
to involve or complete any portion of a therapeutic
radiation procedure, including simulation, positioning of
the patient, constructing treatment aids, treatment
calculations, treatment delivery, and port film acquisition.

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

(9) "Permit" means an authorization which may be
granted by the board to perform x-ray procedures on persons
when the applicant's qualifications do not meet standards

1 required for the issuance of a license.

2 (10) "Radiation therapy technologist" means a person
 3 other than a licensed practitioner or medical physicist who
 4 is qualified under the provisions of this chapter for the
 5 issuance of a license to perform therapeutic radiation
 6 procedures on persons and who performs the following
 7 functions in connection with the therapeutic procedures:

8 (a) operates x-ray simulators for placement of the
 9 treatment fields;

10 (b) prepares and positions patients for simulation and
 11 treatment;

12 (c) performs calculations to determine the amount of
 13 time or monitor units, or both, required to deliver the
 14 prescribed dose at the prescribed depth;

15 (d) selects proper ancillary equipment to be used
 16 during the therapeutic radiation procedure;

17 (e) selects proper film and exposure to produce
 18 simulation and port films;

19 (f) prepares film processing solutions and develops or
 20 processes the exposed x-ray film;

21 (g) performs machine warmups and pretreatment quality
 22 assurance checks;

23 (h) inspects, maintains, and performs minor repairs to
 24 therapeutic radiation equipment;

25 (i) assesses patients daily to determine whether

1 treatments should be withheld until a radiation oncologist
 2 determines appropriate action;

3 (j) possesses knowledge of critical organ doses so
 4 that treatments are not delivered above these doses without
 5 the radiation oncologist's prescription; or

6 (k) delivers therapeutic radiation that includes but
 7 is not limited to gamma rays, x-rays, electrons, protons,
 8 and neutrons.

9 ~~(8)~~ (11) "Radiologic technologist" means a person other
 10 than a licensed practitioner who has qualified under the
 11 provisions of this chapter for the issuance of a license to
 12 perform diagnostic x-ray procedures on persons and who
 13 performs the following functions in connection with the
 14 diagnostic procedure:

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

18 (b) prepares and positions patients for x-ray
 19 procedures;

20 (c) selects the proper radiographic technique for
 21 visualization of specific internal structures of the human
 22 body;

23 (d) selects the proper ancillary equipment to be
 24 utilized in the x-ray procedure to enhance the visualization
 25 of the desired structure;

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

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

Section 2. Section 37-14-301, MCA, is amended to read:

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

(a) Licensure is not required for:

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

(ii) a person administering x-ray examinations related to the practice of dentistry or denturistry, provided such person is certified by the board of dentistry as having passed an examination testing his proficiency to administer x-ray examinations; or

(iii) a person who performs only darkroom procedures and is under the supervision of a licensed radiologic technologist or radiologist or is able to show evidence of completion of formal training in darkroom procedures as

established by rule;

(iv) a student enrolled in and attending an approved school of radiation therapy who performs:

(A) planning procedures under the specific direction of a person licensed to perform such procedures; or

(B) therapeutic radiation procedures under the direct supervision of a person licensed to perform such procedures; or

(v) a medical physicist.

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

(2) (a) A person licensed as a radiologic technologist may perform x-ray procedures on persons for medical, or diagnostic, or therapeutic purposes under the specific direction of a person licensed to prescribe such procedures.

(b) A person licensed as a radiation therapy technologist may perform therapeutic radiation procedures under the specific direction of a person licensed to prescribe such procedures.

(3) A radiologic technologist licensed under this chapter may inject contrast media and radioactive isotopes (radio-nuclide material) intravenously upon request of a duly licensed practitioner. In the case of contrast media, the licensed practitioner requesting the procedure or the

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

11 **Section 3.** Section 37-14-302, MCA, is amended to read:

12 "37-14-302. Qualifications. (1) Each applicant for
 13 licensure as a radiologic technologist shall have
 14 satisfactorily completed a 24-month course of study in
 15 radiologic technology approved by the board.

16 (2) Each applicant for licensure as a radiologic
 17 technologist or a radiation therapy technologist shall:

- 18 (a) be of good moral character;
- 19 (b) be at least 18 years of age; and
- 20 (c) not be addicted to intemperate use of alcohol or
 21 narcotic drugs.

22 (3) Each applicant for licensure as a radiation
 23 therapy technologist shall have satisfactorily completed:

- 24 (a) a 12-month board-approved course of study in
 25 radiation therapy technology and shall hold certification in

1 radiologic technology; OR

2 (b) a 24-month board-approved course of study in
 3 radiation therapy technology; OR

4 (c) a board-approved baccalaureate course of study in
 5 radiation therapy technology; or

6 (d) 5 years of full-time employment or experience as a
 7 licensed radiologic technologist under the direct
 8 supervision of:

9 (i) a radiation oncologist certified by the American
 10 college of radiology;

11 (ii) a radiologist certified by the American college of
 12 radiology;

13 (iii) a radiation therapy technologist; or

14 (iv) any combination of subsections (i) through (iii)
 15 of this subsection (3)(d)."

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

17 "37-14-306. Permits. (1) The board may issue a permit
 18 to an applicant not qualifying for the issuance of a license
 19 ~~to practice as a radiologic technologist~~ under the
 20 provisions of this chapter but who has demonstrated, to the
 21 satisfaction of the board, the capability of performing
 22 high-quality x-ray procedures without endangering public
 23 health and safety. An applicant must be required to
 24 demonstrate this capability by completion of formal
 25 classroom training that meets the standards established by

1 rule and by means of examination. Permits issued under
 2 provisions of this section and 37-14-305 shall specify x-ray
 3 procedures, defined and established by rule, that may be
 4 performed by the holder. Permits shall be valid for a period
 5 not to exceed 12 months but may be renewed under the
 6 provisions established by rule.

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

19 (3) Applicants meeting minimum requirements for
 20 licensure shall be issued a temporary permit to work as a
 21 radiologic technologist. This temporary permit shall expire
 22 15 days after the date of first opportunity for examination.

23 (4) The board shall issue temporary permits to
 24 unlicensed persons to perform x-ray procedures when adequate
 25 evidence is provided the board that such a permit is

1 necessary because of a regional hardship or emergency
 2 condition and that such person is capable of performing
 3 x-ray procedures without endangering public health and
 4 safety. Temporary permits may not exceed 12 months in
 5 duration but may be renewed by reestablishing, to the
 6 board's satisfaction, evidence of continued regional
 7 hardship or emergency conditions. The required adequate
 8 evidence of regional hardship, emergency conditions, and
 9 capability to perform x-ray procedures without endangering
 10 public health and safety must be established by rule.

11 (5) Each applicant for a permit must:

12 (a) be of good moral character;

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

14 (c) not be addicted to intemperate use of alcohol or
 15 narcotic drugs.

16 (6) No limited permits may be issued for the practice
 17 of radiation therapy."

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

19 "37-14-307. Duty to carry, display license or permit.
 20 Each radiologic technologist, radiation therapy
 21 technologist, or limited permit technician shall carry or
 22 display his license or permit while at work. The license or
 23 permit shall be displayed on request."

24 **Section 6.** Section 37-14-321, MCA, is amended to read:

25 "37-14-321. Revocation or suspension of license or

1 ~~permit~~ ~~----other--penalties.~~ A license or permit may be
 2 suspended for a fixed period or may be revoked, or such
 3 technologist or technician may be censured, reprimanded,
 4 ~~finned-not-to-exceed-\$500-for--each--incident,~~ or otherwise
 5 disciplined as determined by the board if, after a hearing
 6 before the board, it is determined that the radiologic
 7 technologist, radiation therapy technologist, or limited
 8 permit technician:

9 (1) is guilty of fraud or deceit in activities as a
 10 radiologic technologist, radiation therapy technologist, or
 11 limited permit technician or has been guilty of any fraud or
 12 deceit in procuring the license or permit;

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

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

18 (4) is guilty of unethical conduct, as defined by
 19 rules promulgated by the board, or has been guilty of
 20 incompetence or negligence in his activities as a radiologic
 21 technologist, radiation therapy technologist, or limited
 22 permit technician;

23 (5) has continued to perform as a radiologic
 24 technologist, radiation therapy technologist, or limited
 25 permit technician without obtaining a license or permit or

1 renewal as required by this chapter."

2 NEW SECTION. **Section 7.** Extension of authority. Any
 3 existing authority to make rules on the subject of the
 4 provisions of [this act] is extended to the provisions of
 5 [this act].

6 ~~NEW-SECTION.~~ ~~Section 8.~~ ~~Effective date.~~ ~~---[This act]~~
 7 ~~is effective on passage and approval.~~

-End-

1 HOUSE BILL NO. 284

2 INTRODUCED BY HARPER

3 BY REQUEST OF THE DEPARTMENT OF COMMERCE

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21 department to perform x-ray or therapeutic radiation
22 procedures on persons.

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

1 or chiropractic.

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

8 (6) "Medical physicist" means a person, other than a
9 licensed practitioner or radiation therapy technologist, who
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12 (7) "Perform therapeutic radiation procedures" means
13 to involve or complete any portion of a therapeutic
14 radiation procedure, including simulation, positioning of
15 the patient, constructing treatment aids, treatment
16 calculations, treatment delivery, and port film acquisition.

17 (6)(8) "Performance of x-ray procedures" means the
18 involvement or completion of any portion of an x-ray
19 procedure that may have an effect on the patient's
20 accumulated x-ray radiation exposure, including positioning
21 of the patient, technique selection, selection of ancillary
22 equipment, initiation of exposure, and darkroom procedures.

23 (7)(9) "Permit" means an authorization which may be
24 granted by the board to perform x-ray procedures on persons
25 when the applicant's qualifications do not meet standards

1 required for the issuance of a license.

2 (10) "Radiation therapy technologist" means a person
 3 other than a licensed practitioner or medical physicist who
 4 is qualified under the provisions of this chapter for the
 5 issuance of a license to perform therapeutic radiation
 6 procedures on persons and who performs the following
 7 functions in connection with the therapeutic procedures:

8 (a) operates x-ray simulators for placement of the
 9 treatment fields;

10 (b) prepares and positions patients for simulation and
 11 treatment;

12 (c) performs calculations to determine the amount of
 13 time or monitor units, or both, required to deliver the
 14 prescribed dose at the prescribed depth;

15 (d) selects proper ancillary equipment to be used
 16 during the therapeutic radiation procedure;

17 (e) selects proper film and exposure to produce
 18 simulation and port films;

19 (f) prepares film processing solutions and develops or
 20 processes the exposed x-ray film;

21 (g) performs machine warmups and pretreatment quality
 22 assurance checks;

23 (h) inspects, maintains, and performs minor repairs to
 24 therapeutic radiation equipment;

25 (i) assesses patients daily to determine whether

1 treatments should be withheld until a radiation oncologist
 2 determines appropriate action;

3 (j) possesses knowledge of critical organ doses so
 4 that treatments are not delivered above these doses without
 5 the radiation oncologist's prescription; or

6 (k) delivers therapeutic radiation that includes but
 7 is not limited to gamma rays, x-rays, electrons, protons,
 8 and neutrons.

9 ~~(8)~~ (11) "Radiologic technologist" means a person other
 10 than a licensed practitioner who has qualified under the
 11 provisions of this chapter for the issuance of a license to
 12 perform diagnostic x-ray procedures on persons and who
 13 performs the following functions in connection with the
 14 diagnostic procedure:

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

18 (b) prepares and positions patients for x-ray
 19 procedures;

20 (c) selects the proper radiographic technique for
 21 visualization of specific internal structures of the human
 22 body;

23 (d) selects the proper ancillary equipment to be
 24 utilized in the x-ray procedure to enhance the visualization
 25 of the desired structure;

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

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

Section 2. Section 37-14-301, MCA, is amended to read:

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

(a) Licensure is not required for:

(i) 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 specific direction of a person licensed to prescribe such examinations or treatment;

(ii) a person administering x-ray examinations related to the practice of dentistry or denturistry, provided such person is certified by the board of dentistry as having passed an examination testing his proficiency to administer x-ray examinations; or

(iii) a person who performs only darkroom procedures and is under the supervision of a licensed radiologic technologist or radiologist or is able to show evidence of completion of formal training in darkroom procedures as

established by rule;

(iv) a student enrolled in and attending an approved school of radiation therapy who performs:

(A) planning procedures under the specific direction of a person licensed to perform such procedures; or

(B) therapeutic radiation procedures under the direct supervision of a person licensed to perform such procedures;
or

(v) a medical physicist.

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

(2) (a) A person licensed as a radiologic technologist may perform x-ray procedures on persons for medical, or diagnostic,--or--therapeutic purposes under the specific direction of a person licensed to prescribe such procedures.

(b) A person licensed as a radiation therapy technologist may perform therapeutic radiation procedures under the specific direction of a person licensed to prescribe such procedures.

(3) A radiologic technologist licensed under this chapter may inject contrast media and radioactive isotopes (radio-nuclide material) intravenously upon request of a duly licensed practitioner. In the case of contrast media, the licensed practitioner requesting the procedure or the

radiologist must be immediately available within the x-ray department. Such injections must be for diagnostic studies only and not for therapeutic purposes. The permitted injections include peripheral intravenous injections but specifically exclude intra-arterial or intracatheter injections. An uncertified radiologic technologist, a limited permit technician under 37-14-306, or an individual who is not licensed or authorized under another licensing act may not perform any of the activities listed in this subsection."

Section 3. Section 37-14-302, MCA, is amended to read:

"37-14-302. Qualifications. (1) Each applicant for licensure as a radiologic technologist shall have satisfactorily completed a 24-month course of study in radiologic technology approved by the board.

(2) Each applicant for licensure as a radiologic technologist or a radiation therapy technologist shall:

(a) be of good moral character;

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

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

(3) Each applicant for licensure as a radiation therapy technologist shall have satisfactorily completed:

(a) a 12-month board-approved course of study in radiation therapy technology and shall hold certification in

radiologic technology; OR

(b) a 24-month board-approved course of study in radiation therapy technology; OR

(c) a board-approved baccalaureate course of study in radiation therapy technology; or

(d) 5 years of full-time employment or experience as a licensed radiologic technologist under the direct supervision of:

(i) a radiation oncologist certified by the American college of radiology;

(ii) a radiologist certified by the American college of radiology;

(iii) a radiation therapy technologist; or

(iv) any combination of subsections (i) through (iii) of this subsection (3)(d)."

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

"37-14-306. Permits. (1) The board may issue a permit to an applicant not qualifying for the issuance of a license ~~to practice as a radiologic technologist~~ under the provisions of this chapter but who has demonstrated, to the satisfaction of the board, the capability of performing high-quality x-ray procedures without endangering public health and safety. An applicant must be required to demonstrate this capability by completion of formal classroom training that meets the standards established by

1 rule and by means of examination. Permits issued under
 2 provisions of this section and 37-14-305 shall specify x-ray
 3 procedures, defined and established by rule, that may be
 4 performed by the holder. Permits shall be valid for a period
 5 not to exceed 12 months but may be renewed under the
 6 provisions established by rule.

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

19 (3) Applicants meeting minimum requirements for
 20 licensure shall be issued a temporary permit to work as a
 21 radiologic technologist. This temporary permit shall expire
 22 15 days after the date of first opportunity for examination.

23 (4) The board shall issue temporary permits to
 24 unlicensed persons to perform x-ray procedures when adequate
 25 evidence is provided the board that such a permit is

1 necessary because of a regional hardship or emergency
 2 condition and that such person is capable of performing
 3 x-ray procedures without endangering public health and
 4 safety. Temporary permits may not exceed 12 months in
 5 duration but may be renewed by reestablishing, to the
 6 board's satisfaction, evidence of continued regional
 7 hardship or emergency conditions. The required adequate
 8 evidence of regional hardship, emergency conditions, and
 9 capability to perform x-ray procedures without endangering
 10 public health and safety must be established by rule.

11 (5) Each applicant for a permit must:

12 (a) be of good moral character;

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

14 (c) not be addicted to intemperate use of alcohol or
 15 narcotic drugs.

16 (6) No limited permits may be issued for the practice
 17 of radiation therapy."

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

19 "37-14-307. Duty to carry, display license or permit.

20 Each radiologic technologist, radiation therapy
 21 technologist, or limited permit technician shall carry or
 22 display his license or permit while at work. The license or
 23 permit shall be displayed on request."

24 **Section 6.** Section 37-14-321, MCA, is amended to read:

25 "37-14-321. Revocation or suspension of license or

1 ~~permit~~ ~~----other--penalties~~. A license or permit may be
 2 suspended for a fixed period or may be revoked, or such
 3 technologist or technician may be censured, reprimanded,
 4 ~~finned-not-to-exceed-\$500-for--each--incident,~~ or otherwise
 5 disciplined as determined by the board if, after a hearing
 6 before the board, it is determined that the radiologic
 7 technologist, radiation therapy technologist, or limited
 8 permit technician:

9 (1) is guilty of fraud or deceit in activities as a
 10 radiologic technologist, radiation therapy technologist, or
 11 limited permit technician or has been guilty of any fraud or
 12 deceit in procuring the license or permit;

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

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

18 (4) is guilty of unethical conduct, as defined by
 19 rules promulgated by the board, or has been guilty of
 20 incompetence or negligence in his activities as a radiologic
 21 technologist, radiation therapy technologist, or limited
 22 permit technician;

23 (5) has continued to perform as a radiologic
 24 technologist, radiation therapy technologist, or limited
 25 permit technician without obtaining a license or permit or

1 renewal as required by this chapter."

2 NEW SECTION. Section 7. Extension of authority. Any
 3 existing authority to make rules on the subject of the
 4 provisions of [this act] is extended to the provisions of
 5 [this act].

6 ~~NEW SECTION. Section 8. Effective date. [This act]~~
 7 ~~is effective on passage and approval.~~

-End-