

1 SB83
2 188616-1
3 By Senator Dial
4 RFD: Health and Human Services
5 First Read: 09-JAN-18

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8 SYNOPSIS: This bill would create the Alabama Medical
9 Imaging and Radiation Therapy Patient Safety Act.

10 This bill would provide for the standardized
11 education and demonstration of competency by
12 medical imaging and radiation therapy professionals
13 under the jurisdiction of a licensing board.

14 This bill would establish the Alabama
15 Medical Imaging and Radiation Therapy Board to
16 provide for the regulation and licensure of limited
17 X-ray machine operators, magnetic resonance
18 technologists, nuclear medicine technologists,
19 radiation therapists, radiographers, and
20 radiologist assistants.

21 This bill would authorize the board to
22 discipline licensees and individuals practicing
23 without a license.

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

1 law whose purpose or effect would be to require a
2 new or increased expenditure of local funds from
3 becoming effective with regard to a local
4 governmental entity without enactment by a 2/3 vote
5 unless: it comes within one of a number of
6 specified exceptions; it is approved by the
7 affected entity; or the Legislature appropriates
8 funds, or provides a local source of revenue, to
9 the entity for the purpose.

10 The purpose or effect of this bill would be
11 to require a new or increased expenditure of local
12 funds within the meaning of the amendment. However,
13 the bill does not require approval of a local
14 governmental entity or enactment by a 2/3 vote to
15 become effective because it comes within one of the
16 specified exceptions contained in the amendment.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To create the Alabama Medical Imaging and Radiation
23 Therapy Patient Safety Act; to provide for the standardized
24 education and demonstration of competency by medical imaging
25 and radiation therapy professionals; to establish the Alabama
26 Medical Imaging and Radiation Therapy Board; to authorize the
27 board to provide for the regulation and licensure of limited

1 X-ray machine operators, magnetic resonance technologists,
2 nuclear medicine technologists, radiation therapists,
3 radiographers, and radiologist assistants; to authorize the
4 board to discipline medical imaging and radiation therapy
5 professionals who perform diagnostic imaging or radiation
6 therapy procedures for medical purposes; to provide civil and
7 criminal penalties for violations; and in connection therewith
8 would have as its purpose or effect the requirement of a new
9 or increased expenditure of local funds within the meaning of
10 Amendment 621 of the Constitution of Alabama of 1901, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall be known and may be cited
15 as the Alabama Medical Imaging and Radiation Therapy Patient
16 Safety Act.

17 Section 2. For the purposes of this act, the
18 following terms shall have the following meanings:

19 (1) ACCREDITED EDUCATIONAL PROGRAM. An educational
20 program in medical imaging or radiation therapy that is
21 accredited by an accrediting agency recognized and approved by
22 the United States Department of Education or its successor.

23 (2) BOARD. The Alabama Medical Imaging and Radiation
24 Therapy Board created by this act.

25 (3) BONE DENSITOMETRY. The determination of bone
26 mass by means of the radiation absorption by a skeleton or
27 part of a skeleton.

1 (4) BONE DENSITOMETRY TECHNOLOGIST. A person who is
2 licensed under this act as a limited X-ray machine operator
3 with a permit to perform bone densitometry testing.

4 (5) BUSINESS ENTITY. A corporation, partnership,
5 association, limited liability company, or limited liability
6 partnership.

7 (6) CERTIFICATION ORGANIZATION. A national
8 certification organization that specializes in the
9 certification and registration of medical imaging or radiation
10 therapy technical personnel and is accredited by the National
11 Commission for Certifying Agencies, American National
12 Standards Institute, the International Organization for
13 Standardization, or other accreditation organization
14 recognized by the board.

15 (7) COMPUTED TOMOGRAPHY. The process of producing
16 sectional and three-dimensional images using external ionizing
17 radiation for diagnostic or therapeutic purposes.

18 (8) COMPUTED TOMOGRAPHY TECHNOLOGIST. A person who
19 is authorized by the board to perform computed tomography
20 procedures as a licensed nuclear medicine technologist,
21 licensed radiographer, or licensed radiation therapist.

22 (9) FLUOROSCOPY. The exposure of a patient to X-rays
23 in a fluoroscopy mode, including positioning the patient and
24 fluoroscopy equipment and the selection of exposure factors.

25 (10) HYBRID IMAGING. The combination of imaging
26 technologies that allows information from different modalities
27 to be presented as a single set of images.

1 (11) IONIZING RADIATION. Radiation that may consist
2 of alpha particles, beta particles, gamma rays, X-rays,
3 neutrons, high-speed electrons, high-speed protons, or other
4 particles capable of producing ions. Ionizing radiation does
5 not include nonionizing radiation, such as high frequency
6 sound waves, magnetic fields, microwaves, radio frequency
7 signals, or visible, infrared, or ultraviolet light.

8 (12) LICENSE. Authorization from the board to use
9 radioactive substances or equipment emitting ionizing
10 radiation, magnetic fields, or radio frequency signals for
11 medical imaging or radiation therapy procedures on humans for
12 diagnostic or therapeutic purposes in accordance with this act
13 and rules adopted by the board.

14 (13) LICENSED PRACTITIONER. A person licensed to
15 practice medicine, dentistry, podiatry, chiropractic, or
16 osteopathy in this state.

17 (14) LICENSEE. A person who is licensed under this
18 act to perform medical imaging or radiation therapy procedures
19 and operate medical imaging or radiation therapy equipment.

20 (15) LIMITED X-RAY MACHINE OPERATOR. A person who is
21 licensed under this act to perform, under the supervision of a
22 radiographer or licensed practitioner, diagnostic radiography
23 or bone densitometry procedures using equipment that emits
24 external ionizing radiation resulting in diagnostic
25 radiographic images of selected specific parts of human
26 anatomy or bone density measurements.

1 (16) MAGNETIC RESONANCE IMAGING. The creation or
2 acquisition of images generated by using radio frequency
3 signals within a magnetic field for diagnostic or therapeutic
4 purposes.

5 (17) MAGNETIC RESONANCE TECHNOLOGIST. A person who
6 is licensed under this act to perform magnetic resonance
7 procedures using magnetic fields and radio frequency signals.

8 (18) MEDICAL IMAGING. A procedure, device, or
9 article that uses ionizing radiation, magnetic fields, or
10 radio frequency signals to produce images of the internal
11 structures of the human body for diagnostic or therapeutic
12 purposes.

13 (19) MOBILE IMAGING. Any arrangement in which
14 medical imaging services are transported to various sites.
15 Mobile imaging does not include movement within a hospital or
16 movement to a site where the equipment will be located
17 permanently.

18 (20) MODALITY. Technologies used in the diagnosis or
19 treatment of disease or other medical conditions in human
20 beings, including any of the following:

21 a. Magnetic resonance imaging and its
22 specializations.

23 b. Nuclear medicine and its specializations.

24 c. Radiation therapy and its specializations.

25 d. Radiography and its specializations.

1 (21) NUCLEAR MEDICINE TECHNOLOGIST. A person who is
2 licensed under this act to perform nuclear medicine and
3 molecular imaging procedures.

4 (22) NUCLEAR MEDICINE TECHNOLOGY. The performance,
5 under the supervision of an authorized user named on a
6 radioactive material license, of a variety of the following:

7 a. Nuclear medicine and molecular imaging procedures
8 using sealed and unsealed radiation sources, ionizing
9 radiation, preparation of radio pharmaceuticals, and use of
10 adjunctive medicines including contrast media and
11 pharmaceuticals associated with nuclear medicine procedures.

12 b. Therapeutic procedures using unsealed radioactive
13 sources.

14 (23) PUBLIC MEMBER. A person who is a resident of
15 this state but who is not a licensed practitioner, licensed to
16 perform medical imaging or radiation therapy procedures under
17 this act, or affiliated with any group or profession that
18 provides or regulates health care or in any way hinders the
19 public member from representing the interests of the public on
20 the board.

21 (24) RADIATION THERAPIST. A person who is licensed
22 under this act to perform procedures involving administration
23 of ionizing radiation to human beings for therapeutic
24 purposes.

25 (25) RADIATION THERAPY. The application, under the
26 supervision of a licensed practitioner or radiologist, of
27 x-radiation and the ionizing radiation emitted from particle

1 accelerators, cobalt 60 units, and sealed sources of
2 radioactive material to human beings for therapeutic purposes.

3 (26) RADIOGRAPHER. A person who is licensed under
4 this act to perform diagnostic radiographic procedures using
5 external ionizing radiation to produce bone density
6 measurements or radiographic, fluoroscopic, or digital images.

7 (27) RADIOGRAPHY. The process of obtaining an image
8 using external ionizing radiation for diagnostic or
9 therapeutic purposes.

10 (28) RADIOLOGIST. A physician licensed in this state
11 who is board-eligible for certification or certified by the
12 American Board of Radiology, the American Osteopathic Board of
13 Radiology, the British Royal College of Radiology, or the
14 Royal College of Physicians and Surgeons of Canada.

15 (29) RADIOLOGIST ASSISTANT. A licensed radiographer
16 who is additionally licensed under this act to perform a
17 variety of activities under the supervision of a radiologist
18 in the areas of patient care, patient management, and medical
19 imaging procedures.

20 (30) SPECIALIZATION. A medical specialty area or
21 type of equipment used within a medical imaging or radiation
22 therapy modality, which has a corresponding certification from
23 a certification organization recognized by the board.

24 Section 3. (a) The Alabama Medical Imaging and
25 Radiation Therapy Board is created. The members of the board
26 shall be appointed by the Governor. The initial members of the
27 board shall be appointed within 90 days following the

1 effective date of this act and shall serve initial terms as
2 provided in subsection (c). The members of the board shall
3 include all of the following:

4 (1) One licensed limited X-ray machine operator.

5 (2) One licensed magnetic resonance technologist.

6 (3) One licensed nuclear medicine technologist.

7 (4) One licensed practitioner who is a radiologist
8 and supervises medical imaging or radiation therapy
9 professionals.

10 (5) One licensed practitioner who is not a
11 radiologist and supervises medical imaging or radiation
12 therapy professionals.

13 (6) One licensed radiation therapist.

14 (7) One licensed radiographer.

15 (8) One licensed radiologist assistant.

16 (9) One public member.

17 (b) In addition to the requirements of subsection
18 (a), the qualifications for appointment to the board shall
19 include all of the following:

20 (1) Each board member shall be a resident of this
21 state.

22 (2) The public member shall be at least 21 years of
23 age.

24 (3) Except for the public member and the licensed
25 practitioners, each board member shall have at least two years
26 of experience performing medical imaging or radiation therapy
27 in the modality for which he or she is appointed.

1 (4) Except for the public member and the licensed
2 practitioners, the Alabama Society of Radiologic Technologists
3 shall nominate and submit a list of at least three names to
4 the Governor for each appointment.

5 (5) At least one of the board members appointed
6 shall be a full-time educator in an accredited educational
7 program in medical imaging or radiation therapy.

8 (c) Three of the initial members shall be appointed
9 for a term of one year, three shall be appointed for a term of
10 two years, and three shall be appointed for a term of three
11 years. Successor members shall serve terms of office of three
12 years. An appointment made to fill a vacancy on the board
13 shall possess the same qualifications as the original
14 appointment and shall serve for the unexpired term. No member
15 may serve more than two consecutive terms.

16 (d) The initial member appointed to the board who
17 performs medical imaging or radiation therapy procedures is
18 not required to hold a valid license issued by the board until
19 12 months after the first issuance of a license by the board.

20 (e) Members of the board shall be paid reasonable
21 travel, hotel, and other necessary expenses and may be
22 provided per diem compensation at the rate authorized by the
23 state while on board business.

24 (f) The board shall meet at least annually in
25 person, at a time and place of its choosing. The first meeting
26 of the board each year shall be for organization only, in
27 which the membership shall elect a chair and establish

1 responsibilities and rules of procedure. The board may meet
2 periodically by telephone or other electronic communication
3 method to conduct the business of the board as authorized by
4 the laws of this state.

5 (g) A member of the board who fails to attend three
6 meetings in an 18-month period shall forfeit his or her seat
7 on the board unless the chair, upon written request from the
8 member, finds that the member should be excused from a meeting
9 because of illness or death of a family member.

10 (h) A majority of the voting members of the board
11 shall constitute a quorum. No action may be taken by the board
12 except by affirmative vote of a majority of those present and
13 voting.

14 Section 4. The board may do all of the following:

15 (1) Administer this act.

16 (2) Issue interpretations of this act.

17 (3) Establish the scope of practice for each license
18 or permit issued by the board.

19 (4) Adopt rules pursuant to the Alabama
20 Administrative Procedure Act as necessary to implement this
21 act.

22 (5) Establish fees and fines as necessary to
23 administer this act.

24 (6) Establish requirements for the issuance and
25 renewal of a license or permit.

1 (7) Devise, contract, or adopt by rule an
2 examination for licensure to determine the fitness of an
3 applicant to perform medical imaging or radiation therapy.

4 (8) Fine a licensee found to be in violation of this
5 act and recover costs and fees incurred in the investigation
6 of a licensee.

7 (9) Obtain restraining orders and injunctions
8 prohibiting conduct in violation of this act or any rule
9 adopted by the board, conduct investigations, issue subpoenas,
10 conduct a hearing, appoint a hearing officer, examine
11 witnesses, and administer oaths concerning practices that are
12 alleged to violate this act or any rule adopted by the board.

13 (10) Maintain a written record of all proceedings
14 and make an annual report of all board actions available to
15 licensees and the public.

16 (11) Develop standards and adopt rules for the
17 improvement of the administration of medical imaging or
18 radiation therapy procedures in this state. The board, by
19 rule, may provide alternative licensing requirements for those
20 areas of the state which the board determines lack an adequate
21 number of qualified licensees to perform medical imaging or
22 radiation therapy procedures on humans for diagnostic or
23 therapeutic purposes.

24 (12) Establish continuing education requirements for
25 license renewal. The board may adopt the continuing education
26 and recertification or continuing competency requirements

1 established by a medical imaging or radiation therapy
2 certification organization for license renewal.

3 (13) Establish criteria and standards for
4 educational programs offered in this state in medical imaging
5 or radiation therapy. The board may adopt the accreditation
6 criteria and standards established by an appropriate
7 educational accreditation agency.

8 (14) Approve medical imaging or radiation therapy
9 educational programs that satisfy the criteria and standards
10 established by the board.

11 (15) Within 90 days after appointment of the initial
12 members of the board, notify all practitioners of medical
13 imaging and radiation therapy in the state, as identified by
14 the American Registry of Radiologic Technologists, the Nuclear
15 Medicine Technology Certification Board, or other appropriate
16 certification organizations, of the requirements of this act.

17 (16) Establish a budget.

18 (17) Employ an executive director and any officers
19 and employees as determined necessary, and determine their
20 duties and fix their compensation in accordance with state
21 law.

22 Section 5. There is established a separate special
23 trust fund in the State Treasury to be known as the Alabama
24 Medical Imaging and Radiation Therapy Board Fund. All receipts
25 collected by the board pursuant to this act shall be deposited
26 in this fund and used only to implement this act. Receipts
27 shall be disbursed only by warrant of the Comptroller upon the

1 State Treasurer, upon itemized vouchers approved by the chair.
2 No funds shall be withdrawn or expended except as budgeted and
3 allotted according to Sections 41-4-80 to 41-4-96, inclusive,
4 and Sections 41-19-1 to 41-19-12, inclusive, Code of Alabama
5 1975, and only in amounts as stipulated in the general
6 appropriations bill or other appropriation bills.

7 Section 6. (a) Commencing on January 1, 2020, except
8 as otherwise provided in this section, only a person licensed
9 under this act may perform or offer to perform medical imaging
10 or radiation therapy procedures on humans for diagnostic or
11 therapeutic purposes or hold himself or herself out as
12 licensed to perform medical imaging or radiation therapy
13 procedures.

14 (b) The board, by rule, shall establish the
15 education, certification, continuing education, licensure, and
16 scope of practice standards for a person performing limited
17 X-ray machine operation, magnetic resonance imaging, nuclear
18 medicine technology, radiation therapy, or radiography.

19 (c) The board, by rule, shall establish the
20 education, certification, continuing education, licensure, and
21 scope of practice standards for a person performing
22 radiologist assistant duties under the supervision of a
23 radiologist.

24 (d) No person or business entity shall knowingly
25 employ an unlicensed person, who is not otherwise exempt under
26 this act, to perform medical imaging or radiation therapy
27 procedures on humans for diagnostic or therapeutic purposes.

1 (e) Nothing in this act relating to medical imaging
2 or radiation therapy shall limit or enlarge the practice of a
3 licensed practitioner.

4 (f) This act does not apply to any of the following:

5 (1) A licensed practitioner performing medical
6 imaging or radiation therapy procedures.

7 (2) A licensed dental hygienist.

8 (3) A licensed dental assistant.

9 (4) A resident physician or a student enrolled in
10 and attending a school or college of medicine, chiropractic,
11 podiatry, medical imaging, or radiation therapy who performs
12 authorized medical imaging or radiation therapy procedures on
13 humans while under the supervision of a licensed practitioner
14 or under the direct supervision of a person holding a license
15 under this act in the supervised modality.

16 (5) A person who is employed by the United States
17 government to perform medical imaging or radiation therapy
18 procedures associated with that employment.

19 (6) A person performing medical imaging or radiation
20 therapy procedures on nonhuman subjects or cadavers.

21 Section 7. (a) The board shall establish scope of
22 practice standards for each medical imaging and radiation
23 therapy modality. The board, by rule, may adopt a scope of
24 practice from a certification organization or a professional
25 society or association.

26 (b) Commencing on October 1, 2024, a licensee who
27 performs computed tomography for diagnostic purposes shall be

1 certified in computed tomography by the American Registry of
2 Radiologic Technologists, the Nuclear Medicine Technologist
3 Certification Board, or other certification organization
4 recognized by the board.

5 (c) A licensed radiographer may perform fluoroscopy.

6 (d) A licensed limited X-ray machine operator may
7 perform tasks or procedures only within the scope of the
8 specific permit issued to him or her by the board for a
9 particular area of the human anatomy as provided in this act
10 and may not perform procedures involving the administration or
11 utilization of contrast media or perform computed tomography,
12 fluoroscopy, magnetic resonance imaging, mammography, mobile
13 imaging, nuclear medicine, or radiation therapy.

14 (e) A licensed nuclear medicine technologist may
15 perform computed tomography or magnetic resonance imaging for
16 attenuation correction on hybrid imaging equipment.

17 (f) A licensed radiation therapist may perform
18 computed tomography or magnetic resonance imaging for
19 treatment planning purposes.

20 (g) (1) A licensee may use radioactive substances or
21 equipment emitting ionizing radiation or magnetic resonance
22 and perform medical imaging and radiation therapy procedures
23 on humans for diagnostic or therapeutic purposes only under
24 all of the following conditions:

25 a. With a valid prescription of a person authorized
26 by this state to prescribe medical imaging or radiation
27 therapy procedures.

1 b. Under the supervision of a licensed practitioner.

2 c. Within the scope of the license as specified in
3 this act and pursuant to rules adopted by the board.

4 (2) A licensee may only perform medical imaging or
5 radiation therapy procedures in a modality for which they are
6 licensed.

7 (h) A licensee may not make a diagnostic
8 interpretation of an image, make a diagnosis, or prescribe a
9 medication or therapy.

10 Section 8. (a) A limited X-ray machine operator
11 license shall be limited in scope through the issuance of
12 permits to perform diagnostic X-rays on specific anatomical
13 areas of the human body.

14 (1) The following permits may be issued:

15 a. Chest radiography permit: Radiography of the
16 thorax, heart, and lungs.

17 b. Extremity radiography permit: Radiography of the
18 upper and lower extremities, including the pectoral girdle.

19 c. Spine radiography permit: Radiography of the
20 vertebral column.

21 d. Skull-sinus radiography permit: Radiography of
22 the skull and facial structures.

23 e. Podiatric permit: Radiography of the foot, ankle,
24 and lower leg below the knee.

25 f. Bone densitometry permit: A person who is
26 certified by the International Society for Clinical
27 Densitometry or the American Registry of Radiologic

1 Technologists in bone densitometry shall be granted a permit
2 to perform bone densitometry testing.

3 (2) To be licensed by the board as a limited X-ray
4 machine operator, an applicant shall submit the application
5 fee and satisfy all of the following requirements:

6 a. Be at least 18 years of age at the time of the
7 application.

8 b. Have a high school diploma or have passed an
9 approved equivalency test.

10 c. Have satisfactorily completed a course of study
11 in limited X-ray machine operation, or its equivalent, as
12 determined by the board. The curriculum for the course of
13 study shall be no less stringent than the standards approved
14 by the Joint Review Committee on Education in Radiologic
15 Technology, or other appropriate educational accreditation
16 agency recognized by the board.

17 d. Pass an examination approved by the board.

18 (b) (1) To be licensed by the board as a medical
19 imaging therapist or radiation therapist, an applicant shall
20 submit the application fee and satisfy all of the following
21 requirements:

22 a. Be at least 18 years of age at the time of
23 application.

24 b. Have a high school diploma or have passed an
25 approved equivalency test.

26 c. Have satisfactorily completed a course of study
27 in magnetic resonance, nuclear medicine, radiation therapy, or

1 radiography, respectively, or its equivalent, as determined by
2 the board. The curriculum for each course of study shall be no
3 less stringent than the standards approved by the Joint Review
4 Committee on Education in Radiologic Technology, Joint Review
5 Committee on Education in Nuclear Medicine Technology,
6 regional accrediting agencies, or other appropriate
7 educational accreditation agency recognized by certification
8 organizations. A person who is certified and registered by a
9 certification organization recognized by the board in a
10 medical imaging or radiation therapy modality or
11 specialization is deemed to have satisfied the requirement of
12 this paragraph for successful completion of a course of study
13 in the modality.

14 d. Pass an applicable modality or specialization
15 examination administered by a certification organization
16 recognized by the board. A person who is certified and
17 registered in a medical imaging or radiation therapy modality
18 is deemed to have satisfied the requirements of this paragraph
19 for successful completion of an examination.

20 (c) (1) To be eligible for licensure by the board as
21 a radiologist assistant, an applicant shall satisfy the
22 requirements of subsection (b) and all of the following
23 requirements:

24 a. Is licensed as a radiographer and is certified
25 and registered as a radiographer by the American Registry of
26 Radiologic Technologists.

1 b. Is certified and registered as a radiologist
2 assistant by the American Registry of Radiologic Technologists
3 or as a radiology practitioner assistant by the Certification
4 Board of Radiology Practitioner Assistants.

5 c. Submits to the board clinical protocols, signed
6 by the supervising radiologist, specifying procedures that are
7 performed by the radiologist assistant, levels of radiologist
8 supervision, and locations of practice designated by the
9 supervising radiologist. Updated protocols shall be submitted
10 biannually consistent with license renewal. The radiologist
11 assistant scope of practice shall be consistent with the most
12 recent version of the Radiologist Assistant Practice Standards
13 published by the American Society of Radiologic Technologists.

14 (2) A licensed radiologist assistant may not
15 interpret images, make diagnoses, or prescribe medications or
16 therapies.

17 (d) An applicant or licensee shall notify the board
18 in writing within 30 days after any of the following:

19 (1) A change in his or her name or address.

20 (2) Failure to maintain a required certification and
21 registration by a certification organization.

22 (3) Any legal or disciplinary action against the
23 applicant or licensee, other than minor traffic infractions,
24 or a proceeding brought for any act or conduct substantially
25 similar to any act or conduct that would constitute grounds
26 for refusal to issue, refusal to renew, suspension,

1 revocation, or other discipline of an applicant or licensee
2 under this act by any of the following:

3 a. A licensing jurisdiction, whether located within
4 the United States or not.

5 b. A health care institution.

6 c. A professional society or association.

7 d. A certification organization.

8 e. A government agency.

9 f. A law enforcement agency.

10 g. A court of law.

11 Section 9. A person who is engaged in the practice
12 of medical imaging and radiation therapy, other than a
13 radiologist assistant, who does not hold certification and
14 registration by a certification organization recognized by the
15 board on the effective date of this act, may continue to
16 practice in the medical imaging or radiation therapy modality
17 in which employed if he or she satisfies all of the following:

18 (1) Registers with the board on or before January 1,
19 2020.

20 (2) Does not change employment or the scope of his
21 or her practice.

22 (3) Completes all continuing education requirements
23 for his or her modality or specialization biannually as
24 prescribed by the board.

25 (4) Practices only under the supervision of a
26 licensed practitioner.

1 (5) Satisfies all licensure requirements imposed by
2 this act and rules adopted by the board and obtains a license
3 from the board on or before January 1, 2024.

4 Section 10. (a) To satisfy the examination
5 requirements of this act for licensure as a magnetic resonance
6 technologist, nuclear medicine technologist, radiation
7 therapist, radiographer, or radiologist assistant, the board
8 shall accept certification and registration by a certification
9 organization recognized by the board in the modality of the
10 applicant or licensee.

11 (b) (1) The board shall use a limited X-ray machine
12 operator examination administered by the American Registry of
13 Radiologic Technologists for persons applying for licensure as
14 a limited X-ray machine operator and permit in chest,
15 extremity, skull-sinus, podiatric, or spine radiography. The
16 board, by rule, shall determine the examination score that
17 constitutes successful completion of the examination.

18 (2) If an examination for limited X-ray machine
19 operator is administered by the board, the examination shall
20 be given at least twice each year at a time and place, and
21 under such supervision, as the board, by rule, may require.

22 (c) The board may accept certification and
23 registration from the American Chiropractic Registry of
24 Radiologic Technologists to satisfy the requirement of this
25 subsection for successful completion of an examination for a
26 person applying for licensure as a limited X-ray machine
27 operator and permit in spine radiography.

1 (d) The board may accept certification from the
2 American Society of Podiatric Medical Assistants to satisfy
3 the requirement of this subsection for successful completion
4 of an examination for a person applying for licensure as a
5 limited X-ray machine operator and permit in podiatric
6 radiography.

7 (e) The board shall accept magnetic resonance
8 certification and registration from the American Registry of
9 Radiologic Technologists or other certification organization
10 recognized by the board to satisfy the examination requirement
11 of this section.

12 (f) The board shall accept nuclear medicine
13 certification and registration from the American Registry of
14 Radiologic Technologists, the Nuclear Medicine Technologist
15 Certification Board, or other certification organization
16 recognized by the board to satisfy the examination requirement
17 of this section.

18 (g) The board shall accept radiation therapy
19 certification and registration from the American Registry of
20 Radiologic Technologists or other certification organization
21 recognized by the board to satisfy the examination requirement
22 of this section.

23 (h) The board shall accept radiography certification
24 and registration from the American Registry of Radiologic
25 Technologists or other certification organization recognized
26 by the board to satisfy the examination requirements of this
27 section.

1 Section 11. (a) The board shall issue a license to
2 an applicant who satisfies the requirements for licensure
3 specified in this act and by rules adopted by the board,
4 verified by oath or affirmation, and upon payment of any fees
5 required by rules adopted by the board. The board may issue a
6 license with authorization to perform more than one medical
7 imaging or radiation therapy modality if the applicant is
8 qualified in each modality.

9 (b) The board may issue a temporary license to any
10 applicant whose license or license renewal is pending or who
11 the board determines will provide medical imaging or radiation
12 therapy services to a medically underserved area of the state.

13 (1) A temporary license may only be issued if the
14 board determines that the issuance does not violate the
15 purpose of this act or endanger the public health and safety.

16 (2) A temporary license in a modality may be issued
17 to an applicant who is preparing for a certification
18 examination in the modality.

19 (3) A temporary license shall expire when the
20 applicant is issued a license, denied a license, or 90
21 calendar days after issuance, whichever occurs first. The
22 board may extend a temporary license for an additional 90 days
23 if the applicant fails to successfully complete the
24 certification examination. A temporary license may only be
25 extended one time.

26 (c) Except for a limited X-ray machine operator
27 licensee, a licensee may apply to the board for a temporary

1 license in an additional medical imaging or radiation therapy
2 modality for the purpose of completing clinical experience
3 requirements for an applicable training pathway established by
4 a certification organization recognized by the board. A
5 temporary license issued pursuant to this subsection shall
6 expire three years after issuance.

7 (d) A licensee shall display his or her official
8 license, or a verified copy of the official license, in each
9 place of regular employment.

10 Section 12. (a) The board, by rule, shall establish
11 standards for medical imaging and radiation therapy
12 educational programs. The standards shall be no less stringent
13 than the standards approved by the Joint Review Committee on
14 Education in Radiologic Technology, the Joint Review Committee
15 on Education in Nuclear Medicine Technology, regional
16 accrediting agencies, or other appropriate educational
17 accreditation agencies recognized by certification
18 organizations.

19 (b) A program in magnetic resonance technology,
20 nuclear medicine technology, radiation therapy, or radiography
21 that is approved by the board shall be offered by a medical
22 facility or educational institution. The program shall be
23 affiliated with one or more hospitals or clinics approved by
24 the board to provide the requisite clinical education.

25 (c) The board, by rule, may establish a course of
26 study for a limited X-ray machine operator.

1 Section 13. (a) Unless otherwise provided, a license
2 issued under this act shall be renewed every two years. The
3 board may adjust the expiration date of a license by up to six
4 months to allow coordination with certification and
5 registration expiration dates. The license shall be renewed
6 upon the payment of a renewal fee, established by rule of the
7 board, and verification by oath or affirmation of the licensee
8 that he or she is not in violation of this act or any rule
9 adopted by the board.

10 (b) The board shall notify a licensee at least 60
11 days before the expiration of his or her license.

12 (c) A licensee is responsible for renewing a license
13 before the expiration date. A license that is not renewed
14 before the expiration date shall automatically lapse.

15 (d) The board, by rule, may provide for the late
16 renewal of an automatically lapsed license upon the payment of
17 a reinstatement fee. A license that has been expired for more
18 than two years may not be reinstated.

19 (e) Where applicable, a licensee shall maintain
20 certification and registration by the applicable certification
21 organization recognized by the board throughout the licensure
22 period and may not be required to duplicate continuing
23 education hours submitted to the certification organization.

24 (f) The board may require a licensee to submit
25 evidence of certification and registration by the applicable
26 certification organization. The certification and registration

1 shall be deemed equivalent to the continuing education
2 requirements established by this act or by rule of the board.

3 (g) As a condition of license renewal, a fluoroscopy
4 operator or limited X-ray machine operator licensee shall
5 complete continuing education requirements established by rule
6 of the board.

7 Section 14. Upon application and payment of proper
8 fees, the board may issue a license to a person who has been
9 licensed, registered, or certified to perform medical imaging
10 or radiation therapy procedures in another jurisdiction if the
11 standards of that jurisdiction are substantially equivalent to
12 those required by this act and rules of the board.

13 Section 15. The board, by rule, shall establish and
14 collect all fees authorized by this act and necessary for the
15 administration of this act. All fees are nonrefundable.

16 Section 16. (a) The board may deny, suspend, revoke,
17 or refuse to renew a license or impose probationary conditions
18 on a license if the licensee or applicant for a license,
19 renewal of a license, or reinstatement of a license has
20 engaged in any of the following conduct:

21 (1) Obtaining a license by means of fraud,
22 misrepresentation, or concealment of material facts.

23 (2) Engaging in unprofessional conduct as defined by
24 rule of the board.

25 (3) Having been convicted of or pleaded guilty or
26 nolo contendere to a crime involving moral turpitude or any
27 crime that indicates that the licensee or applicant is unfit

1 or incompetent to perform medical imaging or radiation therapy
2 procedures or that the licensee or applicant has deceived or
3 defrauded the public.

4 (4) Engaging in any act or practice in violation of
5 this act or any rule adopted by the board, or aiding,
6 abetting, or assisting any person in such a violation.

7 (5) Committing an act of malpractice, gross
8 negligence, or incompetence in performing medical imaging or
9 radiation therapy procedures.

10 (6) Practicing as a person licensed to perform
11 medical imaging or radiation therapy procedures without a
12 license.

13 (7) Engaging in conduct that could result in harm or
14 injury to the public.

15 (8) Having a license issued under this act revoked
16 or suspended or other disciplinary action taken, whether in
17 this state or another jurisdiction.

18 (9) Having been determined to be unfit or
19 incompetent to perform medical imaging or radiation therapy
20 procedures due to deliberate or negligent acts or omissions,
21 regardless of whether actual injury to a patient is
22 established.

23 (b) An application for reinstatement of a revoked
24 license may not be made to the board until two years after the
25 date of revocation.

26 Section 17. (a) The board may apply to any
27 appropriate court for an order enjoining violations of this

1 act or rule adopted by the board, and upon a showing by the
2 board that a person has violated or is about to violate this
3 act or any rule adopted by the board, the court may grant an
4 injunction, restraining order, or take other appropriate
5 action.

6 (b) Any person who is found guilty of violating this
7 act or any rule adopted by the board shall be guilty of a
8 Class C misdemeanor. Each violation shall constitute a
9 distinct and separate offense.

10 Section 18. (a) The board may assess a civil penalty
11 not in excess of the amount allowable under state law for the
12 violation of this act or any rule adopted by the board. The
13 proceeds of any civil penalty assessed under this section
14 shall be paid into the Alabama Medical Imaging and Radiation
15 Therapy Board Fund established by this act.

16 (b) Before imposing and assessing a civil penalty,
17 the board shall consider the following factors:

18 (1) The nature, gravity, and persistence of the
19 violation.

20 (2) The appropriateness of the imposition of a civil
21 penalty when considered alone or in combination with other
22 punishment.

23 (3) Whether the violation was willful and malicious.

24 (4) Any other factor that would tend to mitigate or
25 aggravate the violation if found to exist.

1 (c) The board, by rule, shall establish a schedule
2 of civil penalties for violation of this act and any rule
3 adopted by the board.

4 (d) The board may assess the costs of disciplinary
5 actions against a person found to be in violation of this act
6 or any rule adopted by the board.

7 Section 19. The board shall be subject to the
8 Alabama Sunset Law, Chapter 20, Title 41, Code of Alabama
9 1975, as an enumerated agency as provided in Section 41-20-3,
10 Code of Alabama 1975, and shall have a termination date of
11 October 1, 2024, and every four years thereafter, unless
12 continued pursuant to the Alabama Sunset Law.

13 Section 20. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 21. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.