

**CHAPTER 466J**  
**RADIOLOGIC TECHNOLOGY**

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## Cross References

Sunset evaluations modified, see §§26H-4 and 26H-5.

Breast density mammography results; report and notification, see §321-46.

" **§466J-1 Definitions.** As used in this chapter:

"Approved school for radiologic technologists", "approved training program for radiographers", "approved training program for radiation therapists", and "approved training program for nuclear medicine technologists" mean a school or training program determined by the board to provide a course of instruction in radiologic technology that is adequate to meet the purposes of this chapter.

"Board" means the radiologic technology board.

"Certified" means holding a license issued by the board when used in conjunction with the title "radiographer", "radiation therapist", or "nuclear medicine technologist".

"Department" means the department of health.

"Director" means the director of health.

"Nuclear medicine technologist" means any person who administers radiopharmaceuticals to human beings and conducts in vivo or in vitro detection and measurement of radioactivity for diagnostic or therapeutic purposes.

"Nuclear medicine technology" means the application of radiopharmaceuticals to human beings and the performance of in vivo or in vitro detection and measurement of radioactivity for diagnostic or therapeutic purposes.

"Radiation therapist" means any person who applies ionizing radiation to human beings for therapeutic purposes.

"Radiation therapy technology" means the application of ionizing radiation to human beings for therapeutic purposes.

"Radiographer" means any person who applies x-rays to human beings for diagnostic purposes.

"Radiography" means the application of x-rays to human beings for diagnostic purposes.

"Radiologic technologist" means any person who applies x-rays to human beings for diagnostic purposes, ionizing radiation to human beings for therapeutic purposes, or radiopharmaceuticals for diagnostic or therapeutic purposes.

"Radiologic technology" means the application of x-rays to human beings for diagnostic purposes, ionizing radiation to human beings for therapeutic purposes, or radiopharmaceuticals for diagnostic or therapeutic purposes.

"Supervision" means responsibility for, and control of, quality, radiation safety, and technical aspects of all x-ray, radiopharmaceutical, or ionizing radiation examinations and

procedures. [L 1974, c 253, pt of §2; am L 1980, c 128, pt of §1; am L 1990, c 273, §4; am L 1995, c 143, §2]

" **§466J-1.5 REPEALED.** L 1991, c 42, §3.

" **§466J-1.6 REPEALED.** L 1995, c 143, §9.

" **§466J-2 Radiologic technology board; appointment; duties.**

(a) The governor shall appoint and may remove in the manner prescribed in section 26-34 a radiologic technology board, to be placed in the department for administrative purposes.

(b) The board shall consist of ten members. The membership shall be composed of:

- (1) Two persons licensed to practice medicine or osteopathic medicine pursuant to chapter 453 and certified by the American Board of Radiology;
  - (2) Four persons, each with at least five years' experience and certified in the practice of radiography, two of whom shall be persons engaged in the hospital practice of radiography;
  - (3) One person with at least five years' experience who is certified and engaged in the practice of radiation therapy technology;
  - (4) One person with at least five years' experience, who is certified and engaged in the practice of nuclear medicine technology;
  - (5) One person from the general public; and
  - (6) The director or the director's designated representative shall be the tenth, ex officio[, ] voting member of the board.
- (c) The board shall:
- (1) Select its own chairperson from among its members;
  - (2) Adopt, amend, or repeal rules pursuant to chapter 91 as necessary to effectuate the purposes of this chapter;
  - (3) Determine minimum standards for and approve educational institutions that provide a course of instruction in radiologic technology that meets the requirements of this chapter;
  - (4) Withdraw approval or deny approval of educational institutions for failure to meet prescribed standards;
  - (5) Examine qualified applicants, grant, deny, suspend, or revoke licenses, impose administrative remedies that are authorized by this chapter, and impose such conditions as may be necessary in connection with the granting, denial, suspension, or revocation of licenses;

(6) Keep a record of all its proceedings; and

(7) Make an annual report to the governor.

(d) Members of the board shall serve without compensation, but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties. [L 1974, c 253, pt of §2; am L 1980, c 128, pt of §1; gen ch 1985; am L 1990, c 273, §5; am L 1991, c 42, §1; am L 1995, c 143, §3; am L 1996, c 202, §12; am L 2004, c 167, §1; am L 2009, c 11, §65]

#### **Note**

The 2009 amendment is retroactive to April 3, 2008. L 2009, c 11, §76(2).

#### **Cross References**

Annual reports, due dates, see §93-12.

" **§466J-3 Executive officer; other assistants.** (a) Subject to chapter 76 the department of health may employ and remove such administrative and clerical assistants as the board may require and prescribe their powers and duties.

(b) The department shall employ an executive officer of the board whose position shall be subject to chapter 76. The executive officer shall:

- (1) Be employed with due regard to the officer's fitness, thorough administrative ability, and knowledge of and experience in the field of radiologic technology;
- (2) Administer this chapter and the rules and orders established hereunder and perform such other duties as the board may require; and
- (3) Prepare reports and collect and disseminate data and other public information relating to radiologic technology. [L 1974, c 253, pt of §2; ree L 1980, c 128, pt of §1; gen ch 1985; am L 2000, c 253, §150; am L 2004, c 167, §2]

" **§466J-4 Licenses required.** (a) No person shall practice or offer to practice as a radiographer, as a radiation therapist, or as a nuclear medicine technologist without an appropriate license previously obtained and maintained in good standing in compliance with this chapter and the rules of the board. It shall be unlawful for any person not appropriately licensed under this chapter to practice or offer to practice radiologic technology.

(b) Every person licensed as a radiographer, as a radiation therapist, or as a nuclear medicine technologist shall

be subject to a biennial license fee (initial and renewal) payable to the department. The failure of any licensee to pay the licensee's fee shall be grounds for revocation of the licensee's license. All fees collected by the board pursuant to this section shall be deposited into the noise, radiation, and indoor air quality special fund established pursuant to section 342P-7.

After July 1, 1998, the license period shall be biennial. The biennial period shall begin thirty days after the end of the licensee's birth month. [L 1974, c 253, pt of §2; am L 1980, c 128, pt of §1; gen ch 1985; am L 1990, c 273, §6; am L 1994, c 169, §§6, 9; am L 1995, c 143, §§4, 10; am L 1996, c 164, §1; am L 1998, c 311, §§16, 21]

" **§466J-5 Radiographers, radiation therapists, and nuclear medicine technologists; qualifications and licenses.** (a) An applicant for a license to practice as a radiographer or as a radiation therapist shall submit to the board written evidence, verified by oath or affirmation, that the applicant is registered in good standing with the American Registry of Radiologic Technologists.

(b) An applicant for a license to practice as a nuclear medicine technologist shall submit to the board written evidence, verified by oath or affirmation, that the applicant is:

- (1) Certified in good standing with the Nuclear Medicine Technology Certification Board;
- (2) Registered in good standing with the American Registry of Radiologic Technologists in Nuclear Medicine;
- (3) Registered in good standing with the American Registry of Radiologic Technologists in Radiography with nuclear medicine technology clinical training and experience acceptable to the board; or
- (4) Practicing as a nuclear medicine technologist with nuclear medicine technology clinical training and experience acceptable to the board.

(c) The board shall adopt rules pursuant to chapter 91 to further define and regulate the practices authorized for radiographers, radiation therapists, and nuclear medicine technologists.

(d) The board shall adopt rules pursuant to chapter 91 to enable licensed radiographers, licensed radiation therapists, and licensed nuclear medicine technologists from other states having standards that are comparable to those in Hawaii to obtain licensure without the need for examination.

(e) The applicant applying for a license to practice as a radiographer, as a radiation therapist, or as a nuclear medicine

technologist shall pay a nonrefundable application fee to the department. All fees received by the department pursuant to this section shall be deposited into the noise, radiation, and indoor air quality special fund established pursuant to section 342P-7; provided that any other moneys collected pursuant to this chapter shall be deposited with the director of finance to the credit of the general fund, unless otherwise provided by law.

(f) Any person who holds a license to practice as a radiographer shall have the right to use the title "certified radiographer". No other person shall assume this title or any other words, letters, signs, or devices to indicate that the person is a certified radiographer.

(g) Any person who holds a license to practice as a radiation therapist shall have the right to use the title "certified radiation therapist". No other person shall assume this title or any other words, letters, signs, or devices to indicate that the person is a certified radiation therapist.

(h) Any person who holds a license to practice as a nuclear medicine technologist shall have the right to use the title "certified nuclear medicine technologist". No other person shall assume this title or any other words, letters, signs, or devices to indicate that the person is a certified nuclear medicine technologist.

(i) The form of every license shall be prescribed by and issued in the name of the board. [L 1974, c 253, pt of §2; am L 1980, c 128, pt of §1; am L 1990, c 273, §7; am L 1991, c 42, §2; am L 1994, c 169, §§7, 9; am L 1995, c 143, §§5, 10; am L 1996, c 164, §1; am L 1998, c 311, §§16, 22]

" **[\$466J-5.5] Continuing education requirement for renewal.**

(a) After January 1, 1999, licensees shall have taken twenty-four continuing education credits acceptable to the board in the preceding biennium to renew their licenses.

(b) Licensees who have met the continuing education requirements of the American Registry of Radiologic Technologists in the biennium immediately preceding renewal or are in good standing with the American Registry of Radiologic Technologists shall be deemed to have met the continuing education requirement for license renewal.

(c) Licensees shall maintain proof of participation for continuing education credits and shall attest to this participation on the renewal application. This documentation shall be maintained by the licensee for the preceding biennium and shall be provided to the board as requested.

(d) The board shall sample and verify the continuing education documentation of licensees. The percentage of sampling shall be determined by the board.

(e) Failure of licensees to submit documentation for attested continuing education credits acceptable to the board shall be grounds for license suspension or revocation. [L 1995, c 143, §1]

" **§466J-6 Persons exempted.** (a) Any provision in this chapter to the contrary notwithstanding, a license shall not be required for:

- (1) A licensed medical practitioner in radiology;
- (2) A licensed practitioner of nuclear medicine;
- (3) A licensed physician assistant;
- (4) A licensed doctor of dentistry;
- (5) A licensed dental technician;
- (6) A licensed dental hygienist;
- (7) A student in an approved school for radiographers, radiation therapists, or nuclear medicine technologists, or in a school of medicine, podiatry, dentistry, or a chiropractic school; provided that the student is operating x-ray machines under the direct supervision of a licensed radiographer, licensed radiation therapist, licensed nuclear medicine technologist, or a qualified person pursuant to this chapter; and
- (8) *[Paragraph effective until December 31, 2016. For paragraph effective January 1, 2017, see below.]* A radiologist duly licensed to practice medicine and radiology services in another state who uses telehealth while located in this State to provide radiology services to a patient who is located in the state in which the radiologist is licensed. For the purposes of this paragraph:

"Radiologist" means a doctor of medicine or a doctor of osteopathy certified in radiology by the American Board of Radiology or the American Board of Osteopathy.

"Telehealth" means the use of telecommunications, as that term is defined in section 269-1, including but not limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purpose of

delivering enhanced health care services and information to parties separated by distance. Standard telephone contacts, facsimile transmissions, or e-mail texts, in combination or by themselves, do not constitute a telehealth service for the purposes of this paragraph.

- (8) *[Paragraph effective January 1, 2017. For paragraph effective until December 31, 2016, see above.]* A radiologist duly licensed to practice medicine and radiology services in another state who uses telehealth while located in this State to provide radiology services to a patient who is located in the state in which the radiologist is licensed; provided that services provided by telehealth pursuant to this paragraph shall be consistent with all federal and state privacy, security, and confidentiality laws. For the purposes of this paragraph:

"Distant site" means the location of the radiologist delivering services through telehealth at the time the services are provided.

"Originating site" means the location where the patient is located, whether accompanied or not by a health care provider, at the time services are provided by a radiologist through telehealth, including but not limited to a radiologist's or health care provider's office, hospital, health care facility, a patient's home, and other non-medical environments such as school-based health centers, university-based health centers, or the work location of a patient.

"Radiologist" means a doctor of medicine or a doctor of osteopathy certified in radiology by the American Board of Radiology or the American Board of Osteopathy.

"Telehealth" means the use of telecommunications, as that term is defined in section 269-1, to encompass four modalities: store and forward technologies, remote monitoring, live consultation, and mobile health; and which shall include but not be limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purpose of delivering enhanced health care services and information while a patient

is at an originating site and the radiologist is at a distant site. Standard telephone contacts, facsimile transmissions, or e-mail texts, in combination or by themselves, do not constitute a telehealth service for the purposes of this paragraph.

(b) The board may issue special temporary permits upon request to unlicensed radiographers working in shortage areas. [L 1974, c 253, pt of §2; am L 1980, c 128, pt of §1; am L 1990, c 273, §8; am L 1995, c 143, §6; am L 2007, c 255, §2; am L 2009, c 151, §20; am L 2014, c 159, §11; am L 2016, c 226, §12]

#### Note

L 2007, c 255, §3 provides:

"SECTION 3. Nothing herein shall be deemed to permit a radiologist without a license to practice medicine in Hawaii, wherever located, to provide services to a patient who is located in Hawaii."

" **§466J-7 Radiologic technology education programs.** (a) An institution desiring to conduct an education program to prepare certified radiographers, certified radiation therapists, or certified nuclear medicine technologists shall apply to the board and submit evidence that it is prepared to meet such standards as shall be established by law and by the board.

(b) From time to time as deemed necessary by the board, it shall be the duty of the board, through the board's authorized representative, to survey radiologic technology education programs in the State. Written reports of the surveys shall be submitted to the board. If the board determines that any accredited radiologic technology education program is not maintaining the standards required by law and by the board, notice thereof in writing specifying the discrepancies shall be immediately given to the institution conducting the program. A program that fails to correct these conditions to the satisfaction of the board within a reasonable time shall be discontinued after a hearing held in conformance with chapter 91. [L 1974, c 253, pt of §2; am L 1980, c 128, pt of §1; am L 1990, c 273, §9; am L 1995, c 143, §7]

" **§466J-8 Denial, revocation, or suspension of license.** (a) The board shall have the power to deny, revoke, or suspend any license issued or applied for in accordance with this chapter, upon proof that the person:

- (1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice as a radiographer or as a radiation therapy technologist;

- (2) Is mentally incompetent;
- (3) Is guilty of unprofessional conduct; or
- (4) Has knowingly or repeatedly violated this chapter.

(b) Before denying, suspending, or revoking any license pursuant to subsection (a), the board shall furnish the licensee a notice in writing as prescribed by section 91-9 and shall afford the licensee an opportunity to be heard in person and by or with counsel. Any order denying a license, or suspending or revoking a license shall be rendered not later than fifteen days after the hearing, and any aggrieved person may appeal the order as provided in chapter 91.

(c) The board shall suspend, refuse to renew, reinstate, or restore, or deny any license or application if the board has received certification from the child support enforcement agency pursuant to the terms of section 576D-13 that the licensee or applicant is not in compliance with an order of support or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding. Unless otherwise provided by law, the board shall issue, renew, restore, or reinstate the license only upon receipt of an authorization from the child support enforcement agency, office of child support hearings, or family court. Subsection (b) shall not apply to a license suspension pursuant to this subsection.

(d) The board shall not renew or reinstate, or shall deny or suspend, any license or application if the board has received certification from an administering entity pursuant to chapter 436C that the licensee or applicant either: is in default or breach of any obligation under any student loan, student loan repayment contract, or scholarship contract that financed the licensee's or applicant's education; or has failed to comply with a repayment plan.

Upon receipt of a certification pursuant to chapter 436C, the board, without further review or hearing shall, as applicable:

- (1) Suspend the license;
- (2) Deny the application or request for renewal of the license; or
- (3) Deny the request for reinstatement of the license.

Unless otherwise provided by law, the board shall renew, reinstate, or grant the license only upon receipt of an authorization from the administering entity. [L 1974, c 253, pt of §2; am L 1980, c 128, pt of §1; am L 1990, c 273, §10; am L 1997, c 293, §20; am L 2002, c 226, §8; am L 2003, c 133, §12; am L 2014, c 9, §8]

" **§466J-9 Violations of chapter; penalties.** (a) It shall be a misdemeanor for any person, including any corporation, association, or individual, to:

- (1) Sell or fraudulently obtain or furnish any radiographer's, radiation therapist's, or nuclear medicine technologist's diploma, license, renewal, or record or aid or abet therein;
- (2) Use in connection with the person's name any designation tending to imply that the person is a certified radiographer, certified radiation therapist, or certified nuclear medicine technologist unless licensed to practice under this chapter;
- (3) Practice radiologic technology during the time the person's license issued under this chapter is suspended or revoked; or
- (4) Violate any provision of this chapter.

(b) Any person who violates this chapter, or any rule adopted by the board pursuant to this chapter, shall be fined not more than \$2,000 for each separate offense. Each day the violation continues may constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action. [L 1974, c 253, pt of §2; am L 1980, c 128, pt of §1; am L 1990, c 273, §11; am L 1995, c 143, §8; am L 2004, c 167, §3]

#### **Cross References**

Penalties for misdemeanor, see §§706-640 and 706-663.

" **§466J-10 Injunctive relief.** The practice of radiologic technology by any person who has not been issued a license under this chapter or whose license has been suspended or revoked or has expired is declared to be inimical to the public welfare and to constitute a public nuisance. The board may, through the attorney general, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a license, or whose license has been suspended or revoked, or whose license has expired, from practicing radiologic technology. Upon the filing of a verified petition in court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that the person is or has been practicing as a radiographer or as a radiation therapy technologist without having been issued a license, or after the person's license has been suspended or revoked, or has expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing as a radiographer or radiation therapy technologist. A copy of the

verified petition shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is practicing as a radiographer or radiation therapy technologist without having been issued a license or has been or is practicing as a radiographer or as a radiation therapy technologist after the defendant's license has been revoked or has expired, the court, or any judge thereof, may enter a decree perpetually enjoining the defendant from further practicing as a radiographer or as a radiation therapy technologist. In case of violation of any injunction issued under this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. The injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. [L 1974, c 253, pt of §2; am L 1980, c 128, pt of §1; gen ch 1985; am L 1990, c 273, §12]