

ACT 128

S.B. NO. 2202-80

A Bill for an Act Relating to the Licensing of Radiation Therapy Technologists.
Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 466J-O, Hawaii Revised Statutes, is hereby amended to read:

**“CHAPTER 466J
 RADIOLOGIC TECHNOLOGY**

Sec. 466J-1 Definitions. As used in this chapter:

“Approved school for radiologic technologists” and “approved training program for radiation therapy technologists” means a school or training program determined and accredited by the board as providing a course of instruction in radiologic technology which is adequate to meet the purposes of this chapter.

“Board” means board of radiologic technology.

“Radiologic technology” means the application of x-rays, cobalt 60 or electrons on human beings for diagnostic or therapeutic purposes.

“Radiologic technologist” means any person who applies x-rays to human beings for diagnostic purposes.

“Radiation therapy technologist” means any person who applies x-rays, cobalt 60 or electrons to human beings for therapeutic purposes.

“Supervision” means responsibility for, and control of, quality, radiation safety, and technical aspects of all x-ray, cobalt 60 or electrons examinations and procedures.

Sec. 466J-2 Board of radiologic technologists; appointment, powers and duties. The governor shall appoint and may remove in the manner prescribed in section 26-34 a board of radiologic technologists, to be placed in the department of health for administrative purposes.

The board shall consist of nine members. The appointed membership shall be

composed of two persons licensed to practice medicine pursuant to chapter 453 and certified by the American Board of Radiology, four persons with at least five years' experience and certified in the practice of radiologic technology, two of whom shall be persons engaged in the hospital practice of radiology, one person who practices radiologic technology for therapeutic purposes, and one person from the general public.

The governor shall reduce the terms of those appointed so as to provide for the expirations of an equal number of terms each year. The director of health or his designated representative shall be the ninth, ex-officio voting member of the board. The board shall:

- (1) Select its own chairman;
- (2) Adopt, amend, or repeal such rules pursuant to chapter 91 as are necessary to effectuate the purposes of this chapter;
- (3) Determine minimum standards for and approve such educational institutions which provide a course of instruction in radiologic technology which meets the requirements of this chapter;
- (4) Withdraw approval or deny approval of educational institutions for failure to meet prescribed standards;
- (5) Examine, license, and grant, deny, or revoke the licenses of qualified applicants;
- (6) Keep a record of all its proceedings; and
- (7) Make an annual report to the governor.

Members of the board shall serve without compensation, but shall be reimbursed for expenses; including travel expenses, necessary for the performance of their duties.

Sec. 466J-3 Executive secretary; other assistants. (a) Subject to chapters 76 and 77 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 secretary of the board whose position shall be subject to chapters 76 and 77. The executive secretary shall be:

- (1) Employed with due regard to his fitness, thorough administrative ability, and knowledge of and experience in the field of radiologic technology;
- (2) Under the supervision of the board, and shall administer this chapter and the rules and orders established hereunder and perform such other duties as the board may require;
- (3) In charge of the offices of the board and responsible to the board for the preparation of reports and the collection and dissemination of data and other public information relating to radiologic technology.

Sec. 466J-4 Licenses required. No person shall practice or offer to practice as a radiologic technologist or as a radiation therapy technologist without an appropriate license previously obtained and maintained in good standing in compliance with this chapter and the rules of the board. After July 1, 1974, it shall be unlawful for any person not appropriately licensed under this chapter to practice or offer to practice radiologic technology.

Every person licensed as a radiologic technologist or as a radiation therapy technologist shall be subject to an annual license fee (initial and renewal) of \$10. The annual period shall commence on July 1 of each year, and the failure of any licensee to

pay his fee shall be grounds for revocation of his license. All fees collected by the board shall be deposited into the general fund.

Sec. 466J-5 Radiologic technologists and radiation therapy technologists; qualifications, licenses, examination. (a) An applicant for a license to practice as a radiologic technologist or as a radiation therapy technologist shall submit to the board written evidence, verified by oath or affirmation, that the applicant:

- (1) Has satisfactorily completed a course in an approved school for radiologic technologists, or an approved training program for radiation therapy technologists;
- (2) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency.

(b) The board shall adopt rules pursuant to chapter 91 to further define and regulate the practices authorized for radiologic technologists and for radiation therapy technologists.

(c) The applicant shall be required to pass the appropriate examination specified and administered by the board; provided that the board may accept in lieu of the examination a certificate of another agency or organization which certifies radiologic technologists or radiation therapy technologists, if such certificate was issued on the basis of an examination reasonably equivalent to the examination administered by the board.

(d) A person who, on July 1, 1974, is actively engaged or was actively engaged in this State in the last five years in the practice of radiologic technology and has satisfactorily completed a course in radiologic technology in an approved school for radiologic technologists or has had three years of practical experience and training in radiologic technology shall, without a requirement of examination, receive a license.

(e) The applicant applying for a license to practice as a radiologic technologist or as a radiation therapy technologist shall pay a non-refundable fee of \$10.00 to the board, plus the cost of an examination. All fees received by the board and moneys collected under this chapter shall be deposited with the director of finance to the credit of the general fund.

(f) Any person who holds a license to practice as a radiologic technologist shall have the right to use the title "certified radiologic technologist", and the abbreviation C.R.T. No other person shall assume such title or use such abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a certified radiologic technologist.

(g) Any person who holds a license to practice as a radiation therapy technologist shall have the right to use the title "certified radiation therapy technologist", and the abbreviation C.R.T.T. No other person shall assume such title or use such abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a certified radiation therapy technologist.

(h) The form of every license shall be prescribed by and issued in the name of the board.

Sec. 466J-6 Persons exempted. (a) Any provision in this chapter to the contrary notwithstanding, a license shall not be required for licensed medical practitioners in radiology, licensed doctors of dentistry, dental technicians, dental hygienists, and students in an approved school for radiologic technologists and radiation

therapy technologists and in schools of medicine, podiatry, dentistry, or chiropractic, when such persons are operating x-ray machines under the direct supervision of a licensed technologist or a qualified person pursuant to this chapter.

(b) The board may issue special temporary permits upon request to unlicensed technologists working in shortage areas.

Sec. 466J-7 Radiologic technology education programs. (a) An institution desiring to conduct an education program to prepare certified radiologic technologists or certified radiation therapy 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 its 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 which 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.

Sec. 466J-8 Denial, revocation, or suspension of license. (a) The board shall have the power to deny, revoke, or suspend any license issued by the board 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 radiologic technologist or as a radiation therapy technologist;
- (2) Is mentally incompetent;
- (3) Is guilty of unprofessional conduct; or
- (4) Has wilfully or repeatedly violated this chapter.

(b) Before denying, suspending or revoking any license, 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.

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

- (1) Sell or fraudulently obtain or furnish any radiologic technologist's or radiation therapy technologist's diploma, license, renewal, or record or aid or abet therein;
- (2) Practice radiologic technology as defined by this chapter under cover of any license or record illegally or fraudulently signed or issued unlawfully or under fraudulent representation;
- (3) Practice radiologic technology unless licensed to practice under this chapter;
- (4) Use in connection with his or her name any designation tending to imply that he or she is a certified radiologic technologist or a certified radiation therapy technologist unless licensed to practice under this chapter;

- (5) Practice radiologic technology during the time his or her license issued under this chapter is suspended or revoked;
- (6) Violate this chapter.

Sec. 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 such person is or has been practicing as a radiologic technologist or as a radiation therapy technologist without having been issued a license, or after his 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 such radiologic technologist 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 be established that the defendant has been or is practicing as a radiologic technologist or radiation therapy technologist without having been issued a license or has been or is practicing as a radiologic technologist or as a radiation therapy technologist after his 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 radiologic technologist 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. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 27, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.