

## ACT 143

S.B. NO. 1670

A Bill for an Act Relating to Radiologic Technology.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 466J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§466J- 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.”

SECTION 2. Section 466J-1, Hawaii Revised Statutes, is amended to read as follows:

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

“Approved school for radiologic technologists”, “approved training program for radiographers”, [and] “approved training program for radiation [therapy] therapists”, and “approved training program for nuclear medicine technologists” mean a school or training program determined [and accredited] by the [department as providing] 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 radio-pharmaceuticals 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 [therapy technologist] therapist” means any person who applies [x-rays, cobalt 60, or electrons] ionizing radiation to human beings for therapeutic purposes.

“Radiation therapy technology” means the application of [x-rays, cobalt 60, or electrons] 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, [or x-rays, cobalt 60, or electrons] 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 [or x-rays, cobalt 60, or electrons], 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, [cobalt 60, or electron] radiopharmaceutical, or ionizing radiation examinations and procedures.”

SECTION 3. Section 466J-2, Hawaii Revised Statutes, is amended to read as follows:

“**§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 [nine] ten members. The membership shall be composed of [two]:

- (1) Two persons licensed to practice medicine pursuant to chapter 453 and certified by the American Board of Radiology; [four]
- (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; [and one]
- (3) One person [who practices] 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; [and one]
- (5) One person from the general public[.]; and
- (6) The director or the director's designated representative shall be the [ninth,] 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 [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] that provide a course of instruction in radiologic technology [which] 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 and grant, deny, suspend, or revoke licenses [which] 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.”

SECTION 4. Section 466J-4, Hawaii Revised Statutes, is amended to read as follows:

“**§466J-4 Licenses required.** (a) No person shall practice or offer to practice as a radiographer [or], as a radiation [therapy] 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 [or], as a radiation [therapy] therapist, or as a nuclear medicine technologist shall be subject to [an annual] a biennial license fee (initial and renewal) [of \$10. The annual period shall commence on July 1 of each year, and the] 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 environmental health program enhancement and education fund established under section 321-27.

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.”

SECTION 5. Section 466J-5, Hawaii Revised Statutes, is amended to read as follows:

“**§466J-5 Radiographers [and], radiation [therapy] therapists, and nuclear medicine technologists; qualifications[,] and licenses[, examination].** (a) An applicant for a license to practice as a radiographer or as a radiation [therapy technologist] therapist 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 technology or an approved training program for radiographers or radiation therapy technologists; and
- (2) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency.] 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.

[ (b) ] (c) The board shall adopt rules pursuant to chapter 91 to further define and regulate the practices authorized for radiographers, [and for] radiation [therapy] therapists, and nuclear medicine 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 that certifies radiographers or radiation therapy technologists, if the certificate was issued on the basis of an examination reasonably equivalent to the examination administered by the board.]

(d) The board shall adopt rules pursuant to chapter 91 to enable licensed radiographers [and], licensed radiation [therapy] 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 [or], as a radiation [therapy] therapist, or as a nuclear medicine technologist shall pay a nonrefundable application fee [of \$10] to the department[, plus the cost of an examination]. All fees received by the department pursuant to this section shall be deposited into the environmental health program enhancement and education fund established under section 321-27; 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"[, and the abbreviation C.R]. No other person shall assume this title [or use its abbreviation] 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 [therapy technologist] therapist shall have the right to use the title "certified radiation [therapy technologist]", and the abbreviation C.R.T.) therapist". No other person shall assume this title [or use its abbreviation] or any other words, letters, signs, or devices to indicate that the person is a certified radiation [therapy technologist.] 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.

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

SECTION 6. Section 466J-6, Hawaii Revised Statutes, is amended to read as follows:

**"§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, nuclear medicine, licensed doctors of dentistry, dental technicians, dental hygienists, and students in an approved school for radiographers [and], radiation [therapy] therapists, or nuclear medicine technologists, and in schools of medicine, podiatry, dentistry, or chiropractic, when the persons are operating x-ray machines under the direct supervision of a licensed radiographer, licensed radiation [therapy] therapist, licensed nuclear medicine technologist, or a qualified person pursuant to this chapter.

(b) The board may issue special temporary permits upon request to unlicensed radiographers working in shortage areas. After February 10, 1995, new special temporary permits shall not be issued by the board. After June 30, 1998, special temporary permits issued before February 10, 1995, shall not be renewed."

SECTION 7. Section 466J-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) An institution desiring to conduct an education program to prepare certified radiographers [or], certified radiation [therapy] 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.”

SECTION 8. Section 466J-9, Hawaii Revised Statutes, is amended to read as follows:

“**§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 radiographer’s [or], radiation [therapy] therapist’s, or nuclear medicine 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) (2) Use in connection with the person’s name any designation tending to imply that the person is a certified radiographer [or], a certified radiation [therapy] therapist, or certified nuclear medicine technologist unless licensed to practice under this chapter;
- [(5) (3) Practice radiologic technology during the time the person’s license issued under this chapter is suspended or revoked; or
- [(6) (4) Violate this chapter.”

SECTION 9. Section 466J-1.6, Hawaii Revised Statutes, is repealed.

SECTION 10. Act 169, Session Laws of Hawaii 1994, is amended by amending section 9 to read as follows:

“SECTION 9. This Act shall take effect on July 1, 1994, and shall be repealed on July 1, 1996; provided that:

- (1) Sections 321-11.5, 321-15, and 342F-14, [466J-4, and 466J-5] Hawaii Revised Statutes, shall be reenacted in the form in which they read on June 30, 1994; [and]
- (2) The director of health shall transfer to the credit of the state general fund, all unexpended or unencumbered balances remaining in the environmental health program enhancement and education fund, prior to June 30, 1996[.]; and
- (3) Sections 466J-4 and 466J-5, Hawaii Revised Statutes, shall be reenacted in the form in which they read on June 30, 1994, as further amended by sections 4 and 5 of Act 143<sup>1</sup>, Session Laws of Hawaii 1995.”

SECTION 11. In codifying this Act, the revisor of statutes shall insert the appropriate number of this Act in section 10.

SECTION 12. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>2</sup>

SECTION 13. This Act shall take effect upon its approval.

(Approved June 9, 1995.)

## **ACT 143**

### **Notes**

1. 143 reference added by revisor.
2. Edited pursuant to HRS §23G-16.5.