

ACT 167

S.B. NO. 2951

A Bill for an Act Relating to Radiologic Technology.

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

SECTION 1. Section 466J-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(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 [~~and~~], 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.”

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

“§466J-3 Executive [~~secretary;~~] 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 [~~secretary~~] officer of the board whose position shall be subject to chapter 76. The executive [~~secretary~~] officer shall [~~be~~]:

- (1) [~~Employed~~] Be employed with due regard to the [~~secretary's~~] officer's 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~~] Administer this chapter and the rules and orders established hereunder and perform such other duties as the board may require; and
- (3) [~~In charge of the offices of the board and responsible to the board for the preparation of~~] Prepare reports and [~~the collection~~] collect and [~~dissemination of~~] disseminate data and other public information relating to radiologic technology.”

SECTION 3. Section 466J-9, Hawaii Revised Statutes, is amended to read as follows:

“§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, [a] 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.”

SECTION 4. The radiologic technology board shall report to the legislature regarding the issue of monetary fines for violations of chapter 466J, Hawaii Revised Statutes, and related administrative rules. The report shall include information regarding the implementation of section 466J-9(b), Hawaii Revised Statutes, the sufficiency of the fine established therein, and the board's efforts in adopting guidelines for the imposition of fines. The board shall submit its report to the legislature no later than twenty days before the convening of the regular session of 2005.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved July 2, 2004.)