

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2506

5 By: Representative Bradford
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE CONSUMER-PATIENT RADIATION
10 HEALTH AND SAFETY ACT; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT TO AMEND THE CONSUMER-PATIENT
13 RADIATION HEALTH AND SAFETY ACT.
14
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 17-106-103(8), defining terms for the
20 Consumer-Patient Radiation Health And Safety Act, is amended to read as
21 follows:

22 (8) "Licensed practitioner" means a person licensed to practice
23 medicine, dentistry, podiatry, chiropractic, ~~or osteopathy~~, or optometry in
24 this state;
25

26 SECTION 2. Arkansas Code § 17-106-103(10), defining terms for the
27 consumer-patient radiation health and safety act, is amended to read as
28 follows:

29 (10) "Limited license" means an authorization to perform radiologic
30 procedures ~~excluding fluoroscopy and contrast studies~~ under the supervision
31 of a licensed practitioner that are limited to specific parts of the human
32 body, specifically of the chest and skeletal structures or limited to
33 specific procedures, or both;
34

35 SECTION 3. Arkansas Code § 17-106-103(19), defining terms for the
36 consumer-patient radiation health and safety act, is amended to read as



1 follows:

2 (19) "Temporary license" means a certificate issued by the ~~board~~
3 committee authorizing the applicant to use radioactive materials or medical
4 equipment emitting or detecting ionizing radiation for ~~humans'~~ human
5 diagnostic or therapeutic purposes when licensure or relicensure is pending
6 before the ~~board~~ committee and when the issuance may be justified by special
7 circumstances as determined by the ~~board~~ committee.

8

9 SECTION 4. Arkansas Code § 17-106-105(a)(1), concerning duties and
10 powers of the State Board of Health, is amended to read as follows:

11 (a)(1) The State Board of Health is authorized to:

12 (A) Incur whatever expenses it may deem necessary or expedient
13 in performing its duties under the provisions of this chapter. It may employ
14 or engage whatever personnel, legal counsel, independent contractors, or
15 assistants it may deem necessary or expedient therefore and fix their
16 compensation;

17 (B) Adopt standards for applicants wishing to take the licensing
18 examination;

19 (C) ~~Grant, deny, renew, suspend, or revoke licenses for any~~
20 ~~cause stated in this chapter~~ Recognize and license emerging modalities in
21 radiological procedures; and

22 (D) Adopt, publish, and, from time to time, revise such rules
23 and regulations not inconsistent with the law as may be necessary to enable
24 it to carry into effect the provisions of this chapter.

25

26 SECTION 5. Arkansas Code § 17-106-105(b), concerning duties and powers
27 of the State Board of Health, is amended to read as follows:

28 (b) The Medical Ionizing Radiation Licensure Committee is authorized
29 to:

30 (1) Adopt suitable bylaws for carrying out its duties under the
31 provisions of this chapter;

32 (2) Have an official seal that shall bear the words "Medical
33 Ionizing Radiation Licensure Committee";

34 (3) Provide a secretary's certificate. The certificate of the
35 Secretary of the Medical Ionizing Radiation Licensure Committee under seal
36 shall be accepted in the courts of the state as the best evidence as to the

1 minutes of the committee and shall likewise be accepted in the courts of the
2 state as the best evidence as to the licensure or nonlicensure of any person
3 under the requirements of this chapter;

4 (4) Keep a record of all its proceedings, receipts, and
5 disbursements;

6 (5) Recommend to the board standards for applicants wishing to
7 take the licensing examination and conduct examinations or contract with
8 persons or entities to conduct examinations of applicants;

9 (6) ~~Issue recommendations to the board to grant~~ Grant, deny,
10 renew, suspend, or revoke licenses for any cause stated in this chapter; and

11 (7) Conduct disciplinary proceedings as provided in this
12 chapter.

13
14 SECTION 6. Arkansas Code § 17-106-106(g), concerning legal title,
15 license limitations, and prohibited acts under the Consumer-Patient Radiation
16 Health And Safety Act, is amended to read as follows:

17 (g) Any person who has an application for a temporary license pending
18 before the ~~State Board of Health~~ Medical Ionizing Radiation Licensure
19 Committee shall be permitted to engage in the activities described in
20 subsections (a)-(f) of this section.

21
22 SECTION 7. Arkansas Code § 17-106-106, concerning legal title, license
23 limitations, and prohibited acts under the Consumer-Patient Radiation Health
24 And Safety Act, is amended to add an additional subsection to read as
25 follows:

26 (h) Nothing in this chapter is intended to hinder or otherwise limit
27 any person licensed under this chapter, and holding a national certification
28 from an entity approved by the committee, from providing services recognized
29 by the entity's national policy regarding scope of practice or standards of
30 practice.

31
32 SECTION 8. Arkansas Code § 17-106-107(a), concerning licensing
33 requirements under the Consumer-Patient Radiation Health And Safety Act, is
34 amended to read as follows:

35 (a) The Medical Ionizing Radiation Licensure Committee shall recommend
36 for ~~licensure~~ license any applicant who shall make application and pay a non-

1 refundable fee established by the State Board of Health and submit
2 satisfactory evidence, verified by oath or affirmation, that the applicant is
3 qualified to administer radioactive materials or operate medical equipment
4 emitting or detecting ionizing radiation upon human beings, is of good moral
5 character, and that the applicant:

- 6 (1) At the time of application is at least eighteen (18) years
7 of age; and
- 8 (2) Has been awarded a high school diploma, GED, or the
9 equivalent.

10

11 SECTION 9. Arkansas Code § 17-106-109 is amended to read as follows:
12 17-106-109. Licenses.

13 (a) ~~The State Board of Health~~ Medical Ionizing Radiation Licensure
14 Committee may issue a license to each applicant who has either successfully
15 passed the examination or qualified under § 17-106-107(d) and (e) and has
16 paid the prescribed fees.

17 (b)(1) The ~~board~~ committee at its discretion may issue a temporary
18 license to any person whose licensure or relicensure may be pending and when
19 issuance may be justified by special circumstances.

20 (2) A temporary license shall be issued only if the ~~board~~
21 committee finds that it will not violate the purpose of this chapter or
22 endanger the public health and safety.

23 (3) A temporary license shall not remain in force longer than
24 one hundred and eighty (180) days.

25 (4) ~~No~~ Unless an individual demonstrates to the committee a
26 continual progression in fulfilling the educational and certification
27 requirements of a modality recognized by the board, no more than two (2)
28 temporary licenses shall be issued to any individual within a specific
29 category.

30 (c) Holders of a license under this chapter shall display the official
31 license document or a notarized copy in each place of employment and the
32 document shall be made available upon its request.

33 (d)(1) A license shall be renewed by the ~~board~~ committee for a period
34 of one (1) year upon payment of renewal fees in an amount established by the
35 board.

36 (2) Continuing education requirements, as a prerequisite for

1 renewal, shall be set by regulation.

2 (e)(1)(A) ~~A radiologic technologist, licensed technologist, or limited~~
3 ~~licensed technologist~~ Any person licensed under this chapter whose license
4 has lapsed and who has ceased activities as a ~~radiologic technologist,~~
5 ~~licensed technologist, or limited licensed technologist~~ licensee for fewer
6 than five (5) years, may apply for relicensure upon payment of a fee set by
7 the board.

8 (B) For periods of more than five (5) years, licensure
9 shall be in a manner as designated by the board.

10 (C) Continuing education requirements shall be set by
11 regulation.

12 (2) This subsection shall not apply to anyone whose license has
13 been revoked or suspended.

14

15 SECTION 10. Arkansas Code § 17-106-110(a), concerning discipline under
16 the Consumer-Patient Radiation Health And Safety Act, is amended to read as
17 follows:

18 (a) ~~The license of a radiologic technologist, licensed technologist,~~
19 ~~or limited licensed technologist~~ Any license issued by the Medical Ionizing
20 Radiation Licensure Committee may be suspended or revoked or the individual
21 may be censured, reprimanded, or otherwise sanctioned by the ~~State Board of~~
22 ~~Health~~ committee in accordance with the provisions and procedures of this
23 chapter if, after due process, it is found that the individual:

24 (1) Is guilty of fraud or deceit in the procurement or holding
25 of the license;

26 (2) Has been convicted of a felony in a court of competent
27 jurisdiction, either within or outside of this state, unless the conviction
28 has been reversed and the holder of the license discharged or acquitted, or
29 if the holder has been pardoned with full restoration of civil rights, in
30 which case the license shall be restored;

31 (3) Is or has been afflicted with any medical problem,
32 disability, or addiction, which, in the opinion of the board, would impair
33 professional competence;

34 (4) Has knowingly aided and abetted a person who is not a
35 radiologic technologist or otherwise authorized by § 17-106-111(b) to perform
36 the duties of a license holder under this chapter;

1 (5) Has undertaken or engaged in any practice beyond the scope
2 of duties permitted a license holder under this chapter;

3 (6) Has impersonated a license holder or former license holder
4 or is performing the duties of a radiologic technologist, licensed
5 technologist, or limited licensed technologist under an assumed name;

6 (7) Has been found guilty of violations of a code of ethics
7 which the board shall establish by regulation;

8 (8) Has applied ionizing radiation without the prescription of a
9 licensed practitioner;

10 (9) Has interpreted a diagnostic image for a fee;

11 (10) Is, or has been found guilty of, incompetence or negligence
12 in his or her performances as a license holder; or

13 (11) Has failed to comply with any provision of this chapter or
14 any of the rules or regulations pertaining ~~thereto~~ to this chapter.

15
16 SECTION 11 . Arkansas Code § 17-106-110(d), concerning discipline
17 under the Consumer-Patient Radiation Health And Safety Act, is amended to
18 read as follows:

19 (d) All hearings and appeals ~~therefrom~~ from hearings to the board
20 under this chapter shall be pursuant to the provisions of the Arkansas
21 Administrative Procedure Act, § 25-15-201 et seq.

22
23 SECTION 12. Arkansas Code § 17-106-111(a), concerning exemptions under
24 the Consumer-Patient Radiation Health And Safety Act, is amended to read as
25 follows:

26 (a)(1) Dentists, dental hygienists, registered dental assistants with
27 the expanded duty of radiography, radiation health physicists, radiation
28 medical physicists, bone densitometrists, and certified medical dosimetrists
29 are excluded from this chapter.

30 (2) Any exemptions from the provisions of this chapter are
31 exclusive to those enumerated in this subsection.