

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

*As Engrossed: H3/17/03 S4/3/03*

# 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  
15  
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(b) and (c)~~, concerning legal  
23 title, license limitations, and prohibited acts under the Consumer-Patient  
24 Radiation Health ~~and Safety Act~~, are amended to read as follows:

25 (b) *A person holding a license under this chapter shall use*  
26 *radioactive substances or medical equipment emitting or detecting ionizing*  
27 *radiation on a human being by prescription of a licensed practitioner or*  
28 *advanced practice nurse and only if the application of a substance or the use*  
29 *of equipment is limited in a manner herein specified.*

30 (c) *A person holding a limited license under this chapter shall use*  
31 *medical equipment emitting or detecting ionizing radiation on a human being*  
32 *by prescription of a licensed practitioner or advanced practice nurse and*  
33 *only if the limited licensed technologist is licensed for those specific body*  
34 *parts.*

35 SECTION 8. Arkansas Code § 17-106-107(a), concerning licensing  
36 requirements under the Consumer-Patient Radiation Health And Safety Act, is

1 amended to read as follows:

2 (a) The Medical Ionizing Radiation Licensure Committee shall ~~recommend~~  
3 ~~for licensure~~ license any applicant who shall make application and pay a non-  
4 refundable fee established by the State Board of Health and submit  
5 satisfactory evidence, verified by oath or affirmation, that the applicant is  
6 qualified to administer radioactive materials or operate medical equipment  
7 emitting or detecting ionizing radiation upon human beings, is of good moral  
8 character, and that the applicant:

9 (1) At the time of application is at least eighteen (18) years  
10 of age; and

11 (2) Has been awarded a high school diploma, GED, or the  
12 equivalent.

13

14 *SECTION 9. Arkansas Code § 17-106-108 is amended to read as follows:*  
15 *17-106-108. Examinations.*

16 (a) *Each applicant for licensure, with the exception of those who are*  
17 *"grandfathered" under this chapter, shall be required to pass a license*  
18 *examination designated and approved by the State Board of Health. Standards*  
19 *for acceptable performance shall be established.*

20 (b) *The board shall identify acceptable examinations such as those*  
21 *administered by the American Registry of Radiologic Technologists, the*  
22 *American Chiropractic Registry of Radiologic Technologists, or the Nuclear*  
23 *Medicine Technology Certification Board.*

24 (c) *An applicant who fails to pass the examination may reapply for the*  
25 *examination, provided that the applicant complies with the regulation*  
26 *established by the board.*

27 (d) *The board may accept a current certificate issued by the American*  
28 *Registry of Radiologic Technologists, the American Society of Clinical*  
29 *Pathologists, the American Chiropractic Registry of Radiologic Technologists,*  
30 *Cardiovascular Credentialing International, or the Nuclear Medicine*  
31 *Technology Certification Board, issued on the basis of an examination*  
32 *satisfactory to the State Board of Health, provided that the standards of*  
33 *that body are at least as stringent as those established by the board.*

34 (e) *The board may accept a current certificate, registration, or*  
35 *license as a radiologic technologist issued by another state, provided that*  
36 *the standards in the other state are at least as stringent as those*

1 established by the board.

2 (f)(1) The board shall identify acceptable examinations appropriate to  
3 the discipline for the limited licensed technologist.

4 (2) A study guide containing information to be included on the  
5 exam will be provided to the applicant for the examination.

6

7 SECTION 10. Arkansas Code § 17-106-109 is amended to read as follows:  
8 17-106-109. Licenses.

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

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

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

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

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

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

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

32 (2) Continuing education requirements, as a prerequisite for  
33 renewal, shall be set by regulation.

34 (e)(1)(A) ~~A radiologic technologist, licensed technologist, or limited~~  
35 ~~licensed technologist~~ Any person licensed under this chapter whose license  
36 has lapsed and who has ceased activities as a ~~radiologic technologist,~~

1 ~~licensed technologist, or limited licensed technologist~~ licensee for fewer  
2 than five (5) years, may apply for relicensure upon payment of a fee set by  
3 the board.

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

6 (C) Continuing education requirements shall be set by  
7 regulation.

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

10  
11 SECTION 11. Arkansas Code § 17-106-110(a), concerning discipline under  
12 the Consumer-Patient Radiation Health And Safety Act, is amended to read as  
13 follows:

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

20 (1) Is guilty of fraud or deceit in the procurement or holding  
21 of the license;

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

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

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

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

35 (6) Has impersonated a license holder or former license holder  
36 or is performing the duties of a radiologic technologist, licensed

1 technologist, or limited licensed technologist under an assumed name;

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

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

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

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

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

11  
12 SECTION 12. Arkansas Code § 17-106-110(d), concerning discipline under  
13 the Consumer-Patient Radiation Health And Safety Act, is amended to read as  
14 follows:

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

18  
19 SECTION 13. Arkansas Code § 17-106-111(a), concerning exemptions under  
20 the Consumer-Patient Radiation Health And Safety Act, is amended to read as  
21 follows:

22 (a)(1) Dentists, dental hygienists, registered dental assistants with  
23 the expanded duty of radiography, radiation health physicists, radiation  
24 medical physicists, bone densitometrists, and certified medical dosimetrists  
25 are excluded from this chapter.

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

28  
29 /s/ Bradford  
30  
31  
32  
33  
34  
35  
36

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36