

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of Senate Bill No. 980

"TO AMEND THE CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT."

Amendment No. 1 to Senate Bill No. 980.

Amend Senate Bill No. 980 as originally introduced:

Add Representative Bradford as a cosponsor of the bill

AND

Page 1, line 28, add the following:

"SECTION 2. Arkansas Code 17-106-103(19), concerning the definitions for the Consumer-Patient Radiation Health and Safety Act, is amended to read as follows:

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

SECTION 3. Arkansas Code 17-106-103, concerning the definitions for the Consumer-Patient Radiation Health and Safety Act, is amended to add an additional subdivision to read as follows:

(20) "Cardiovascular Interventional Limited License" means a license issued to an individual who has obtained certification from Cardiovascular Credentialing International to perform invasive cardiac catheterization procedures;

SECTION 4. Arkansas Code 17-106-105 is amended to read as follows:
17-106-105. Duties and powers.

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

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

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

~~(C) Grant, deny, renew, suspend, or revoke licenses for any cause stated in this chapter; and~~

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

(2) All fees shall be established by the board. The licensing fee shall not be more than seventy-five dollars (\$75.00) and shall be an amount reasonably calculated to cover the costs of issuing the license to practice and otherwise administer this chapter. The examination fee shall be an amount reasonably calculated to cover the costs of the examination and otherwise administer this chapter. In addition, the board will determine the late fee. All such fees shall be used only for the purposes authorized in this chapter. Any money not used by the Department of Health to administer the licensing program within a fiscal year shall be carried forward into the next fiscal year.

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

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

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

(3) Provide a secretary's certificate. The certificate of the secretary of the committee under seal shall be accepted in the courts of the state as the best evidence as to the minutes of the committee and shall likewise be accepted in the courts of the state as the best evidence as to the licensure or nonlicensure of any person under the requirements of this chapter;

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

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

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

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

(c)(1) In the performance of its duties, the committee is empowered to administer oaths and take testimony on any matters within the committee's jurisdiction and issue subpoenas and thereby compel the attendance of persons before it for the purpose of examining any facts or conditions properly pending before the committee.

(2) All subpoenas issued by the committee shall be served in the manner prescribed by law for the service of subpoenas issuing from the courts, and all persons so served shall obey the subpoenas or be subject to the penalties provided by law for the disobedience of subpoenas issuing from the courts.

SECTION 5. Arkansas Code 17-106-106(g), concerning the limitations of licensees, is amended to read as follows:

(g) Any person who has an application for a temporary license pending before the ~~State Board of Health~~ committee shall be permitted to engage in the activities described in subsections (a), (b), (c), (e), and (f) of this

section.

SECTION 6. Arkansas Code 17-106-108 is amended to read as follows:
17-106-108. Examinations.

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

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

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

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

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

(f) The board shall identify acceptable examinations appropriate to the discipline for the limited licensed technologist. A study guide containing information to be included on the exam will be provided to the applicant for the examination.

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

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

(b) The ~~board~~ committee, at its discretion, may issue a temporary license to any person whose licensure or relicensure may be pending and when issuance may be justified by special circumstances. A temporary license shall be issued only if the ~~board~~ committee finds that it will not violate the purpose of this chapter or endanger the public health and safety. A temporary license shall not remain in force longer than one hundred and eighty (180) days. No more than two (2) temporary licenses shall be issued to any individual within a specific category.

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

(d) A license shall be renewed by the ~~board~~ committee for a period of one (1) year upon payment of renewal fees in an amount established by the board. Continuing education requirements, as a prerequisite for renewal, shall be set by regulation.

~~(e) A radiologic technologist, licensed technologist, or limited licensed technologist~~ Any person licensed under this chapter whose license has lapsed and who has ceased activities as a radiologic technologist, licensed technologist, or limited licensed technologist licensee for less than five (5) years, may apply for relicensure upon payment of a fee set by the board. For periods of more than five (5) years, licensure shall be in a manner as designated by the board. Continuing education requirements shall be set by regulation. This subsection shall not apply to anyone whose license has been revoked or suspended.

SECTION 8. Arkansas Code 17-106-110(a), concerning the discipline of licensees under the Consumer-Patient Radiation Health and Safety Act, is amended to read as follows:

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

- (1) Is guilty of fraud or deceit in the procurement or holding of the license;
- (2) Has been convicted of a felony in a court of competent jurisdiction, either within or outside of this state, unless the conviction has been reversed and the holder of the license discharged or acquitted, or if the holder has been pardoned with full restoration of civil rights, in which case the license shall be restored;
- (3) Is or has been afflicted with any medical problem, disability, or addiction, which, in the opinion of the board, would impair professional competence;
- (4) Has knowingly aided and abetted a person who is not a radiologic technologist or otherwise authorized by § 17-106-111(b) to perform the duties of a license holder under this chapter;
- (5) Has undertaken or engaged in any practice beyond the scope of duties permitted a license holder under this chapter;
- (6) Has impersonated a license holder or former license holder or is performing the duties of a radiologic technologist, licensed technologist, or limited licensed technologist under an assumed name;
- (7) Has been found guilty of violations of a code of ethics which the board shall establish by regulation;
- (8) Has applied ionizing radiation without the prescription of a licensed practitioner;
- (9) Has interpreted a diagnostic image for a fee;
- (10) Is, or has been found guilty of, incompetence or negligence in his performances as a license holder; or
- (11) Has failed to comply with any provision of this chapter or any of the rules or regulations pertaining thereto.

SECTION 9. Arkansas Code 17-106-110(d), concerning the discipline of licensees under the Consumer-Patient Radiation Health and Safety Act, is amended to read as follows:

(d) All hearings and appeals to the board therefrom under this chapter shall be pursuant to the provisions of the Arkansas Administrative Procedure

Act, § 25-15-201 et seq.

SECTION 10 Arkansas Code 17-106-111 is amended to read as follows:
17-106-111. Exemptions.

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

(2) Exemptions from the requirements of this chapter are limited to those enumerated in this subsection.

(3) Chiropractic assistants are not exempt from the requirements of this chapter.

(b) The requirement of a license shall not apply to a student enrolled in and attending a school of radiologic technology, radiation therapy, or nuclear medicine with recognized educational accreditation who uses radioactive material on or applies ionizing radiation to a human being while under the supervision of a licensed practitioner or licensed radiologic technologist.

(c) Nothing in the provisions of this chapter relating to radiologic technology shall limit, enlarge, or affect the practice of licensed practitioners herein defined. "

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Gullett

EN/CPB

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Secretary