

MAINE STATE LEGISLATURE

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L.D. 1183

(Filing No. H- 389)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
11TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to H.P. 904,
L.D. 1183, Bill, "AN ACT to Establish the Medical
Radiation Health and Safety Act."

Amend the bill in that part designated "§9852."
by striking out all of subsection 2 (page 2, lines 13
to 17 in L.D.) and inserting in its place the follow-
ing:

'2. Dental radiographer. "Dental radiographer"
means a person, other than a licensed practitioner,
whose duties include radiography of the maxilla,
mandible and adjacent structures for diagnostic pur-
poses and who is licensed under chapter 16.'

Further amend the bill in that part designated
"§9852." by inserting after subsection 2 the follow-
ing:

'3. Ionizing radiation. "Ionizing radiation"
means gamma rays and x rays; alpha and beta par-
ticles, high-speed electrons, neutrons, protons and
other nuclear particles; but not ultrasound, sound or
radio waves, or visible, infrared or ultraviolet
light.'

Further amend the bill in that part designated
"§9852." in subsection 4, in the last line (page 2,
line 26 in L.D.) by inserting after the underlined
word "dentistry" the following: ', chiropractic,
podiatry'

Further amend the bill in that part designated
"§9852." in subsection 9, in the 2nd line (page 3,
line 6 in L.D.) by inserting after the underlined
word "applies" the following: 'ionizing'

Further amend the bill in that part designated

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1 "§9852." in subsection 14, in the 6th line (page 3,
2 line 30 in L.D.) by inserting after the underlined
3 word "or" the following: 'who has completed or'

4 Further amend the bill in that part designated
5 "§9852." by renumbering subsections 3 to 14 to be
6 subsections 4 to 15.

7 Further amend the bill in that part designated
8 "§9853." in the 4th line (page 3, line 36 in L.D.) by
9 striking out the underlined figure "10" and inserting
10 in its place the following: '12'

11 Further amend the bill in that part designated
12 "§9853." in subsection 1, in the 5th line (page 4,
13 line 5 in L.D.) by inserting after the underlined
14 word and punctuation "physicist;" the following: '2
15 licensed practitioners who are not radiologists;'

16 Further amend the bill in that part designated
17 "§9853." in subsection 1, paragraph A in the first
18 line (page 4, line 12 in L.D.) by striking out the
19 word "shall" and inserting in its place the follow-
20 ing: 'may'

21 Further amend the bill in that part designated
22 "§9853." in subsection 1, paragraph B in the first
23 line (page 4, line 15 in L.D.) by striking out the
24 underlined word "shall" and inserting in its place
25 the following: 'may'

26 Further amend the bill in that part designated
27 "§9853." in subsection 1, paragraph C in the first
28 line (page 4, line 18 in L.D.) by striking out the
29 underlined word "shall" and inserting in its place
30 the following: 'may'

31 Further amend the bill in that part designated
32 "§9853." in subsection 1, paragraph D in the first
33 line (page 4, line 24 in L.D.) by striking out the
34 underlined word "shall" and inserting in its place
35 the following: 'may'

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1 Further amend the bill in that part designated
2 "§9853." in subsection 1, by inserting after para-
3 graph D the following:

4 'E. The licensed practitioner members may be
5 appointed from lists submitted by the Maine Chi-
6 ropractic Association, Maine Dental Association,
7 Maine Medical Association, Maine Osteopathic
8 Association and the Maine Podiatry Association.'

9 Further amend the bill in that part designated
10 "§9853." in subsection 2, in the 3rd line (page 4,
11 line 34 in L.D.) by striking out the underlined word
12 "Three" and inserting in its place the following:
13 'Four'

14 Further amend the bill in that part designated
15 "§9853." in subsection 2, in the 4th line (page 4,
16 line 35 in L.D.) by inserting after the underlined
17 word "radiographer" the following: ', one licensed
18 practitioner'

19 Further amend the bill in that part designated
20 "§9853." in subsection 2, in the 6th line (page 4,
21 line 37 in L.D.) by striking out the underlined
22 figure "3" and inserting in its place the following:
23 '4'

24 Further amend the bill in that part designated
25 "§9853." in subsection 2, in the 7th line (page 4,
26 line 38 in L.D.) by inserting after the underlined
27 words "therapy technologist" the following: ', one
28 licensed practitioner'

29 Further amend the bill in that part designated
30 "§9853." in subsection 6, by inserting after para-
31 graph B the following:

32 'C. To develop, in consultation with representa-
33 tives of the appropriate disciplines, require-
34 ments for courses of study, training and examina-

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1 tion for applicants for a limited license;

2 D. To submit a report during the Second Regular
3 Session of the 11th Legislature, but no later
4 than April 1, 1984, to the joint standing commit-
5 tee of the Legislature having jurisdiction over
6 health and institutional services on its progress
7 in approving a course of study, training and
8 examination for applicants for a limited license,
9 pursuant to paragraph C, and to section 9855,
10 subsection 1, paragraph E;

11 Further amend the bill in that part designated
12 "§9853." in subsection 6, by relettering paragraphs C
13 to H to be paragraphs E to J

14 Further amend the bill in that part designated
15 "§9854." in subsection 3, by striking out all of
16 paragraph A and inserting in its place the following:

17 'A. A dental hygienist licensed under chapter
18 16, subchapter IV;

19 B. A dental assistant holding a valid license or
20 certificate issued by the Maine State Board of
21 Dental Examiners as a dental radiographer;'

22 Further amend the bill in that part designated
23 "§9854." in subsection 3, paragraph B, in the 3rd
24 line (page 7, line 17 in L.D.) by inserting after the
25 underlined word and punctuation "osteopathy," the
26 following: 'chiropractic, podiatry,'

27 Further amend the bill in that part designated
28 "§9854." in subsection 3, by relettering paragraphs B
29 and C to be paragraphs C and D

30 Further amend the bill in that part designated
31 "§9855." in subsection 1, paragraph C in the 2nd, 3rd
32 and 4th lines (page 7, lines 36 to 38 in L.D.) by
33 striking out the underlined words and punctuation
34 "recognized by the Committee on Allied Health, Educa-

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1 tion and Accreditation and is"

2 Further amend the bill in that part designated
3 "§9855." in subsection 1, by striking out all of
4 paragraph D (page 8, lines 1 to 3 in L.D.) and
5 inserting in its place the following:

6 'D. Either possess current national certifica-
7 tion or pass an examination, approved by the
8 board, to practice as a radiographer.'

9 Further amend the bill in that part designated
10 "§9855." in subsection 2, paragraph C, in the 2nd,
11 3rd and 4th lines (page 8, lines 12 to 14 in L.D.) by
12 striking out the underlined words and punctuation
13 "accredited by the Committee on Allied Health, Educa-
14 tion and Accreditation and"

15 Further amend the bill in that part designated
16 "§9855." in subsection 2, by striking out all of
17 paragraph D (page 8, lines 15 to 17 in L.D.) and
18 inserting in its place the following:

19 'D. Either possess current national certifica-
20 tion or pass an examination, approved by the
21 board, to practice as a nuclear medicine
22 technologist.'

23 Further amend the bill in that part designated
24 "§9855." in subsection 3, paragraph C, in the 5th and
25 6th lines (page 8, lines 29 and 30 in L.D.) by strik-
26 ing out the underlined words and punctuation "accred-
27 ited by the Committee on Allied Health, Education and
28 Accreditation and"

29 Further amend the bill in that part designated
30 "§9855." in subsection 3, by striking out all of
31 paragraph D and inserting in its place the following:

32 'D. Either possess current national certifica-
33 tion or pass an examination, approved by the
34 board, to practice as a radiation therapy

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1 technologist.'

2 Further amend the bill in that part designated
3 "§9855." by inserting at the end the following:

4 '4. Limited license. For those applicants wish-
5 ing to be licensed only for the limited purpose of
6 using ionizing radiation for diagnostic purposes in
7 the office of a licensed practitioner, or for physi-
8 cian assistants practicing under section 3270-A, or
9 nurses practicing under section 2102, subsection 2,
10 paragraph C, in a clinic not required to be licensed
11 under Title 22, chapter 405, the board shall grant a
12 limited license and shall, in approving a course of
13 study, training and examination for these applicants,
14 consider the limited scope of practice of the various
15 disciplines. Those aspects of study, training and
16 examination relating to patient safety shall be iden-
17 tical to the requirements for a full license.'

18 Further amend the bill in that part designated
19 "§9856." in the first line (page 9, line 1 in L.D.)
20 by inserting after the underlined word "Application"
21 the following: '; fees'

22 Further amend the bill in that part designated
23 "§9856." by striking out all of the first paragraph
24 (page 9, lines 2 to 4 in L.D.) and inserting in its
25 place the following:

26 'To apply for a license as a radiographer,
27 nuclear medicine technologist, radiation therapy
28 technologist or for a limited license, an applicant
29 shall:'

30 Further amend the bill in that part designated
31 "§9856." in the last paragraph, in the last line
32 (page 9, line 17 in L.D.) by inserting after the
33 underlined word and punctuation "only." the follow-
34 ing: 'Pursuant to section 9858, the board may issue a
35 temporary license to an applicant who has failed an
36 examination and is awaiting reexamination, the tempo-

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1 rary license shall expire at such time as the board
2 may by rule direct.'

3 Further amend the bill by striking out all of
4 that part designated "§9857." and inserting in its
5 place the following:

6 '§9857. Reciprocity

7 The board may waive the examination requirement
8 for an applicant who is currently licensed in another
9 state and who possesses current national certifica-
10 tion.'

11 Further amend the bill in that part designated
12 "§9858." in the last line (page 9, line 36 in L.D.)
13 by inserting after the underlined word and punctu-
14 ation "license." the following: 'An exception may be
15 made if the applicant fails the examination adminis-
16 tered by the board. In that case, another temporary
17 license may be issued and shall expire at such time
18 as the board may by rule direct.'

19 Further amend the bill by inserting at the end
20 before the statement of fact the following:

21 '§9862. Funds

22 Any funds collected as a result of fees stipu-
23 lated under this chapter shall be used for the admin-
24 istration of this program.'

25 FISCAL NOTE

26 As provided in Title 32, section 9862, the fees
27 collected from applicants for examination and licen-
28 sure will be used to pay the expenses of the board.

29 STATEMENT OF FACT

30 The amendment includes chiropractors and podia-

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1 trists within the definition of "licensed practi-
2 tioner," and residents or students applying ionizing
3 radiation under the supervision of a licensed practi-
4 tioner.

5 The Radiologic Technology Board of Examiners is
6 expanded from 10 to 12 members by adding 2 licensed
7 practitioners who are not radiologists. The Governor
8 is now permitted, rather than required, to select
9 board members from the lists submitted to him.

10 The board's duties are expanded to include a re-
11 quirement for developing requirements for limited
12 licensure, and for submitting a report on their
13 progress to the Joint Standing Committee on Health
14 and Institutional Services.

15 The limited license is a new provision for those
16 using ionizing radiation only for diagnostic purposes
17 in a licensed practitioner's office, and for physi-
18 cian assistants and nurse assistants practicing in
19 sites other than a licensed practitioner's office or
20 a hospital. Since these persons are by definition
21 not radiographers, nuclear medicine technologists or
22 radiation therapy technologists, they will not have
23 completed the courses of study or earned the national
24 certification prescribed in section 9855; therefore,
25 the board is to develop the criteria for their study
26 and examination.

27 The board may also issue a temporary license for
28 an applicant who fails an examination, covering that
29 person until he successfully passes another examina-
30 tion. The board retains discretion to determine
31 whether that must be the next offered examination.

32 Lastly, Title 32, section 9862, makes clear that
33 the examination and licensure fees will be applied
34 against the expenses of the board.

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