

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1770

S.P. 687

In Senate, December 30, 2005

### **An Act To Amend the Laws Governing Licensure of Workers in the Field of Radiologic Technology**

(EMERGENCY)

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Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee on Business, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BROMLEY of Cumberland.  
Cosponsored by Representative SMITH of Monmouth and  
Senator: HOBBS of York, Representative: RECTOR of Thomaston.

2           **Emergency preamble.** Whereas, acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           **Whereas,** this legislation, which amends the laws governing  
medical radiologic technology by clarifying the scope of practice  
for this profession and by providing for reciprocal licensure for  
8           qualified applicants from other jurisdictions, needs to take  
effect as soon as possible to protect the health and safety of  
10          the residents of this State; and

12          **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
14          Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
16          safety; now, therefore,

18          **Be it enacted by the People of the State of Maine as follows:**

20                 **Sec. 1. 32 MRSA §9852,** as enacted by PL 1983, c. 524, is  
amended to read:

22                 **§9852. Definitions**

24                         As used in this chapter, unless the context indicates  
26                         otherwise, the following terms have the following meanings.

28                         **1. Board.** "Board" means the Radiologic Technology Board of  
Examiners.

30                         **2. Dental radiographer.** "Dental radiographer" means a  
32                         person, other than a licensed practitioner, whose duties include  
radiography of the maxilla, mandible and adjacent structures for  
34                         diagnostic purposes and who is licensed under chapter 16.

36                         **3. Ionizing radiation.** "Ionizing radiation" means gamma  
rays and x rays; alpha and beta particles, high-speed electrons,  
38                         neutrons, protons and other nuclear particles; but not  
ultrasound, sound or radio waves, magnetic fields or visible,  
40                         infrared or ultraviolet light.

42                         **4. License.** "License" means a certificate issued by the  
board authorizing the licensee to use radioactive materials or  
44                         equipment emitting ionizing radiation on human beings for  
diagnostic or therapeutic purposes in accordance with the  
46                         provisions of this Aet chapter.

48                         **4-A. Licensed physician.** "Licensed physician" means a  
50                         person licensed to practice medicine or osteopathy in this State.

2           **5. Licensed practitioner.** "Licensed practitioner" means a  
person licensed to practice medicine, dentistry, chiropractic,  
4           podiatry or osteopathy in this State.

6           **6. Nuclear medicine technologist.** "Nuclear medicine  
technologist" means a person, other than a licensed practitioner,  
who uses radionuclide agents on human beings for diagnostic ~~er~~  
8           and therapeutic purposes.

10          **7. Nuclear medicine technology.** "Nuclear medicine  
technology" means the use of radionuclides ~~in--vivo~~ on human  
12          beings for diagnostic ~~er~~ and therapeutic purposes under the  
supervision of a licensed physician. The use of radionuclides on  
14          human beings for diagnostic and therapeutic purposes includes the  
use of dual imaging devices. For purposes of this subsection,  
16          "use" means all activities involved in the application of  
radioactive material. These activities include, but are not  
18          limited to, adjusting equipment settings, positioning the  
patient, positioning the equipment and positioning the image  
20          receptor.

22          **8. Radiation therapist.** "Radiation therapy--~~technologist~~  
therapist" means a person, other than a licensed practitioner,  
24          who applies ionizing radiation to human beings for therapeutic  
and simulation purposes, excluding the administration of  
26          radiopharmaceuticals.

28          **9. Radiation therapy technology.** "Radiation therapy  
technology" means the use of ionizing radiation on human beings  
30          for therapeutic and simulation purposes, excluding the  
administration of radiopharmaceuticals, under the supervision of  
32          a licensed physician. For purposes of this subsection, "use"  
means all activities involved in the application of ionizing  
34          radiation. These activities include, but are not limited to,  
adjusting equipment settings, positioning the patient,  
36          positioning the equipment and positioning the image receptor.

38          **10. Radiographer.** "Radiographer" means a person, other  
than a licensed practitioner, who applies ionizing radiation to  
40          human beings for diagnostic imaging purposes, excluding the  
administration of radiopharmaceuticals.  
42

44          **11. Radiography.** "Radiography" means the use of ionizing  
radiation on human beings for diagnostic imaging purposes,  
excluding the administration of radiopharmaceuticals, under the  
46          supervision of a licensed practitioner. For purposes of this  
subsection, "use" means all activities involved in the  
48          application of ionizing radiation. These activities include, but  
are not limited to, adjusting equipment settings, positioning the

2 patient, positioning the equipment and positioning the image  
3 receptor.

4 **12. Radiologic technologist.** "Radiologic technologist"  
5 means any person who is a radiographer, a radiation ~~therapy~~  
6 ~~technologist~~ therapist or a nuclear medicine technologist  
7 licensed under this Act chapter.

8  
9 **13. Radiologic technology.** "Radiologic technology" means  
10 the use of a radioactive substance or equipment emitting ionizing  
11 radiation on human beings for diagnostic or therapeutic purposes.  
12

13 **14. Radiological physicist.** "Radiological physicist" means  
14 a person who ~~is-certified-by-the-American-Board-of-Radiology~~ has  
15 successfully completed education and training in medical  
16 radiological physics or one of the subspecialties of radiological  
17 physics ~~or-who-is-eligible-for-that-certification.~~

18 **15. Radiologist.** "Radiologist" means a physician,  
19 certified by the American Board of Radiology or the American  
20 Osteopathic Board of Radiology, the British Royal College of  
21 Radiology or the Royal College of Physicians and Surgeons, who is  
22 licensed in this State or who has completed or who is actively  
23 pursuing the course of training equivalent to the course of  
24 training required for admission to these boards.  
25

26 **16. Radiopharmaceutical.** "Radiopharmaceutical" means a  
27 radioactive substance approved for administration to a patient to  
28 provide diagnostic information or deliver treatment for a  
29 specific disease.  
30

31 **Sec. 2. 32 MRSA §9853, sub-§1,** as amended by PL 1999, c. 687,  
32 Pt. E, §8, is further amended to read:  
33

34 **1. Appointment and membership.** The membership of the board  
35 consists of 2 radiologists; 2 radiographers; one nuclear medicine  
36 technologist; one radiation ~~therapy-technologist~~ therapist; one  
37 radiation physicist; and 2 public members who are not affiliated  
38 with the medical or any allied health profession. The Governor  
39 may appoint these members from lists submitted by the following  
40 organizations or their successors.  
41

42 **A.** Radiologist members may be appointed from lists  
43 submitted by the Maine Radiological Society.  
44

45 **B.** The radiation physicist member may be appointed from  
46 lists submitted by the Maine Radiological Society.  
47

48 **C.** Radiologic technologist members may be appointed from  
49 lists submitted by the Maine Society of Radiologic  
50

2 Technologists, the Society of Nuclear Medicine Technologists  
and the New England Society of Radiation Therapy  
4 Technologists.

6 The list submitted by each organization must include at least 2  
names for each position to be filled from that organization.

8 The consumer members are appointed by the Governor.

10 **Sec. 3. 32 MRSA §9853, sub-§6, ¶A,** as enacted by PL 1983, c.  
524, is amended to read:

12 A. To review the qualifications of applicants for licensure  
14 and to license radiographers, nuclear medicine technologists  
and radiation ~~therapy-technologists~~ therapists who qualify  
16 under this chapter;

18 **Sec. 4. 32 MRSA §9853, sub-§6, ¶B,** as enacted by PL 1983, c.  
524, is amended to read:

20 B. To conduct qualifying examinations for radiographers,  
22 nuclear medicine technologists and radiation ~~therapy~~  
~~technologists~~ therapists, and to establish passing standards;

24 **Sec. 5. 32 MRSA §9854, sub-§1,** as enacted by PL 1983, c. 524,  
26 is amended to read:

28 **1. License required.** No A person may not practice or hold  
himself--out--as profess to be authorized to practice after  
30 September 1, 1984, as a radiographer, a nuclear medicine  
technologist or a radiation ~~therapy--technologist,~~ therapist  
32 unless he that person is licensed in accordance with the  
provisions of this chapter. A license issued by the board shall  
34 must be displayed conspicuously in each place of regular  
employment of the licensee.

36 **Sec. 6. 32 MRSA §9855,** as amended by PL 1989, c. 700, Pt. A,  
38 §§156 to 158, is repealed and the following enacted in its place:

40 **§9855. Qualifications**

42 **1. Radiographer.** To qualify for a license as a  
radiographer, an applicant must meet the following requirements:

44 **A. Be at least 18 years of age;**

46 **B. Have a high school diploma or its equivalent as**  
48 **determined by the Department of Education; and**

2           C. Either have successfully completed a course of study in  
3           radiologic technology and an examination that is approved by  
4           the board or possess valid certification and current  
5           registration from the American Registry of Radiologic  
6           Technologists, or another certification program approved by  
7           the board to practice as a radiographer.

8           **2. Nuclear medicine technologist.** To qualify for a license  
9           as a nuclear medicine technologist, an applicant must meet the  
10           following requirements:

11           A. Be at least 18 years of age;

12           B. Have a high school diploma or its equivalent as  
13           determined by the Department of Education; and

14           C. Either have successfully completed a nuclear medicine  
15           technology program and an examination that is approved by  
16           the board or possess valid certification and current  
17           registration from the American Registry of Radiologic  
18           Technologists, the Nuclear Medicine Technology Certification  
19           Board or another certification program approved by the board  
20           to practice as a nuclear medicine technologist.

21           **3. Radiation therapist.** To qualify for a license as a  
22           radiation therapist, an applicant must meet the following  
23           requirements:

24           A. Be at least 18 years of age;

25           B. Have a high school diploma or its equivalent as  
26           determined by the Department of Education; and

27           C. Either have successfully completed a course in  
28           radiologic technology and an examination that is approved by  
29           the board or possess valid certification and current  
30           registration from the American Registry of Radiologic  
31           Technologists or another certification program approved by  
32           the board to practice as a radiation therapist.

33           **4. Limited radiographer license.** For those applicants  
34           wishing to be licensed only for the limited purpose of using  
35           ionizing radiation for imaging purposes in the office of a  
36           licensed practitioner or for physician assistants practicing  
37           under section 3270-A or nurses practicing under section 2102,  
38           subsection 2, paragraph C in a clinic not required to be licensed  
39           under Title 22, chapter 405, the board shall grant a limited  
40           license and shall, in approving a course of study, training and  
41           examination for these applicants, consider the limited scope of  
42           practice of the various disciplines. Those aspects of study,  
43           and  
44           examination for these applicants, consider the limited scope of  
45           practice of the various disciplines. Those aspects of study,  
46           and  
47           examination for these applicants, consider the limited scope of  
48           practice of the various disciplines. Those aspects of study,  
49           and  
50           examination for these applicants, consider the limited scope of  
51           practice of the various disciplines. Those aspects of study,

2 training and examination relating to patient safety must be  
3 identical to the requirements for a full license.

4 **Sec. 7. 32 MRSA §9857**, as enacted by PL 1983, c. 524, is  
5 repealed and the following enacted in its place:

6 **§9857. Nonresidents; applicants licensed in another jurisdiction**

7  
8 **1. Reciprocal agreements.** The board may enter into  
9 reciprocal agreements with other jurisdictions that have  
10 substantially similar licensure laws and accord substantially  
11 equal reciprocal rights to residents licensed in good standing in  
12 this State.

13  
14 **2. Applicants licensed in another jurisdiction.** An  
15 applicant who is licensed under the laws of another jurisdiction  
16 is governed by this subsection.

17  
18 A. An applicant who is licensed under the laws of a  
19 jurisdiction that has a reciprocal agreement with the board  
20 may obtain a license under the terms and conditions agreed  
21 upon through the reciprocal agreement.

22  
23 B. An applicant who is licensed in good standing at the  
24 time of application to the board under the laws of a  
25 jurisdiction that has not entered into a reciprocal  
26 agreement with the board may qualify for licensure by  
27 submitting evidence to the board that the applicant has  
28 actively practiced with a substantially equivalent license  
29 or by submitting evidence that the applicant's  
30 qualifications for licensure are substantially similar to  
31 those requirements in this chapter.

32  
33 C. All nonresident applicants must submit with the  
34 application an irrevocable consent to service of process on  
35 the applicant for an action filed in a court of this State  
36 arising out of the applicant's activities as a licensee in  
37 this State. Service may be made by delivery of the process  
38 to the Director of Licensing and Registration within the  
39 Department of Professional and Financial Regulation if, in  
40 the exercise of due diligence, a plaintiff cannot effect  
41 personal service upon the applicant.

42  
43 **Sec. 8. 32 MRSA §9858, sub-§2, ¶A**, as enacted by PL 1983, c.  
44 672, is amended to read:

45  
46 **A.** The applicant shall must possess a Maine license that is  
47 current national--certification and in good standing to  
48 practice as a radiographer;

49  
50



2                    **Sec. 9. 32 MRSA §9859**, as amended by PL 2001, c. 323, §29, is  
further amended to read:

4                    **§9859. Licensure renewal; fees**

6                    An original or renewal licensure fee under section 9859-A  
must be paid by the applicant or licensee. All licenses must be  
8                    renewed ~~biennially on or before August 31st of each even-numbered~~  
~~year or at such other times~~ as the Commissioner of Professional  
10                    and Financial Regulation may designate, as set forth in Title 10,  
12                    section 8003, subsection 4. ~~The board shall notify each~~  
~~licensee, at the licensee's last known address, 30 days in~~  
14                    ~~advance of the expiration of the license. Renewal notices must~~  
~~be on forms provided by the Department of Professional and~~  
16                    ~~Financial Regulation.~~ Any license not renewed by the designated  
renewal date automatically expires. Licenses may be renewed up  
18                    to 90 days after the date of expiration upon payment of a late  
fee ~~in addition to the~~ and renewal fee, as set under section  
20                    9859-A. Any person who submits an application for renewal more  
than 90 days after the licensing renewal date must submit a  
22                    renewal fee, a late fee and a filing fee as set under section  
9859-A and is subject to all requirements governing new  
24                    applicants under this chapter, except that the board may, giving  
due consideration to the protection of the public, waive  
26                    examination or other requirements. ~~Penalties may be assessed by~~  
~~the director for late renewals more than 90 days after the~~  
28                    ~~expiration.~~

**Emergency clause.** In view of the emergency cited in the  
30                    preamble, this Act takes effect when approved.

32                    **SUMMARY**

34                    This bill amends the laws governing the scope of practice,  
36                    licensure and reciprocal licensure of workers in the field of  
radiologic technology.  
38