SB165
197450-2
By Senator Whatley
RFD: Healthcare
First Read: 21-MAR-19
SYNOPSIS: This bill would create the Alabama Medical Imaging and Radiation Therapy Patient Safety Act.

This bill would provide for the standardized education and demonstration of competency by medical imaging and radiation therapy professionals under the jurisdiction of a licensing board.

This bill would establish the Alabama Medical Imaging and Radiation Therapy Board to provide for the regulation and licensure of limited X-ray machine operators, magnetic resonance technologists, nuclear medicine technologists, radiation therapists, radiographers, and radiologist assistants.

This bill would authorize the board to discipline licensees and individuals practicing without a license.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general
law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL TO BE ENTITLED

AN ACT

To create the Alabama Medical Imaging and Radiation Therapy Patient Safety Act; to provide for the standardized education and demonstration of competency by medical imaging and radiation therapy professionals; to establish the Alabama Medical Imaging and Radiation Therapy Board; to authorize the board to provide for the regulation and licensure of limited
X-ray machine operators, magnetic resonance technologists, nuclear medicine technologists, radiation therapists, radiographers, and radiologist assistants; to authorize the board to discipline medical imaging and radiation therapy professionals who perform diagnostic imaging or radiation therapy procedures for medical purposes; to provide civil and criminal penalties for violations; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Medical Imaging and Radiation Therapy Patient Safety Act.

Section 2. For the purposes of this act, the following terms shall have the following meanings:

(1) ACCREDITED EDUCATIONAL PROGRAM. An educational program in medical imaging or radiation therapy that is accredited by an accrediting agency recognized and approved by the United States Department of Education or its successor.

(2) BOARD. The Alabama Medical Imaging and Radiation Therapy Board created by this act.

(3) BONE DENSITOMETRY. The determination of bone mass by means of the radiation absorption by a skeleton or part of a skeleton.
(4) BONE DENSITOMETRY TECHNOLOGIST. A person who is licensed under this act as a limited X-ray machine operator with a permit to perform bone densitometry testing.

(5) BUSINESS ENTITY. A corporation, partnership, association, limited liability company, or limited liability partnership.

(6) CERTIFICATION ORGANIZATION. A national certification organization that specializes in the certification and registration of medical imaging or radiation therapy technical personnel and is accredited by the National Commission for Certifying Agencies, American National Standards Institute, the International Organization for Standardization, or other accreditation organization that accredits certification organizations recognized by the board.

(7) COMPUTED TOMOGRAPHY. The process of producing sectional and three-dimensional images using external ionizing radiation for diagnostic or therapeutic purposes.

(8) COMPUTED TOMOGRAPHY TECHNOLOGIST. A person who is authorized by the board to perform computed tomography procedures as a licensed nuclear medicine technologist, licensed radiographer, or licensed radiation therapist.

(9) FLUOROSCOPY. The exposure of a patient to X-rays in a fluoroscopy mode, including positioning the patient and fluoroscopy equipment and the selection of exposure factors.

(10) HYBRID IMAGING. The combination of imaging technologies that allows information from different modalities to be presented as a single set of images.
(11) IONIZING RADIATION. Radiation that may consist of alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, or other particles capable of producing ions. Ionizing radiation does not include nonionizing radiation, such as high frequency sound waves, magnetic fields, microwaves, radio frequency signals, or visible, infrared, or ultraviolet light.

(12) LICENSE. Authorization from the board to use radioactive substances or equipment emitting ionizing radiation, magnetic fields, or radio frequency signals for medical imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes in accordance with this act and rules adopted by the board.

(13) LICENSED PRACTITIONER. A person licensed to practice medicine, dentistry, podiatry, chiropractic, or osteopathy in this state.

(14) LICENSEE. A person who is licensed under this act to perform medical imaging or radiation therapy procedures and operate medical imaging or radiation therapy equipment.

(15) LIMITED X-RAY MACHINE OPERATOR. A person who is licensed under this act to perform, under the supervision of a radiographer or licensed practitioner, diagnostic radiography or bone densitometry procedures using equipment that emits external ionizing radiation resulting in diagnostic radiographic images of selected specific parts of human anatomy or bone density measurements.
16) MAGNETIC RESONANCE IMAGING. The creation or acquisition of images generated by using radio frequency signals within a magnetic field for diagnostic or therapeutic purposes.

17) MAGNETIC RESONANCE TECHNOLOGIST. A person who is licensed under this act to perform magnetic resonance procedures using magnetic fields and radio frequency signals.

18) MEDICAL IMAGING. A procedure, device, or article that uses ionizing radiation, magnetic fields, or radio frequency signals to produce images of the internal structures of the human body for diagnostic or therapeutic purposes.

19) MOBILE IMAGING. Any arrangement in which medical imaging services are transported to various sites. Mobile imaging does not include movement within a hospital or movement to a site where the equipment will be located permanently.

20) MODALITY. Technologies used in the diagnosis or treatment of disease or other medical conditions in human beings, including any of the following:

   a. Magnetic resonance imaging and its specializations.

   b. Nuclear medicine and its specializations.

   c. Radiation therapy and its specializations.

   d. Radiography and its specializations.
(21) NUCLEAR MEDICINE TECHNOLOGIST. A person who is licensed under this act to perform nuclear medicine and molecular imaging procedures.

(22) NUCLEAR MEDICINE TECHNOLOGY. The performance, under the supervision of an authorized user named on a radioactive material license, of a variety of the following:

a. Nuclear medicine and molecular imaging procedures using sealed and unsealed radiation sources, ionizing radiation and magnetic resonance, preparation of radio pharmaceuticals, and use of adjunctive medicines including contrast media and pharmaceuticals associated with nuclear medicine procedures.

b. Therapeutic procedures using unsealed radioactive sources.

(23) PUBLIC MEMBER. A person who is a resident of this state but who is not a licensed practitioner, licensed to perform medical imaging or radiation therapy procedures under this act, or affiliated with any group or profession that provides or regulates health care or in any way hinders the public member from representing the interests of the public on the board.

(24) RADIATION THERAPIST. A person who is licensed under this act to perform procedures involving administration of ionizing radiation to human beings for therapeutic purposes.

(25) RADIATION THERAPY. The application, under the supervision of a licensed practitioner or radiologist, of
x-radiation and the ionizing radiation emitted from particle accelerators, cobalt 60 units, and sealed sources of radioactive material to human beings for therapeutic purposes.

(26) RADIOGRAPHER. A person who is licensed under this act to perform diagnostic radiographic procedures using external ionizing radiation to produce bone density measurements or radiographic, fluoroscopic, or digital images.

(27) RADIOGRAPHY. The process of obtaining an image using external ionizing radiation for diagnostic or therapeutic purposes.

(28) RADIOLOGIST. A physician licensed in this state who is board-eligible for certification or certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Royal College of Physicians and Surgeons of Canada.

(29) RADIOLOGIST ASSISTANT. A licensed radiographer who is additionally licensed under this act to perform a variety of activities under the supervision of a radiologist in the areas of patient care, patient management, and medical imaging procedures.

(30) SPECIALIZATION. A medical specialty area or type of equipment used within a medical imaging or radiation therapy modality, which has a corresponding certification from a certification organization recognized by the board.

Section 3. (a) The Alabama Medical Imaging and Radiation Therapy Board is created. The members of the board shall be appointed by the Governor. The initial members of the
board shall be appointed within 90 days following the effective date of this act and shall serve initial terms as provided in subsection (c). The members of the board shall include all of the following:

(1) One licensed limited X-ray machine operator.
(2) One licensed magnetic resonance technologist.
(3) One licensed nuclear medicine technologist.
(4) One licensed practitioner who is a radiologist and supervises medical imaging or radiation therapy professionals.
(5) One licensed practitioner who is not a radiologist and supervises medical imaging or radiation therapy professionals.
(6) One licensed radiation therapist.
(7) One licensed radiographer.
(8) One licensed radiologist assistant.
(9) One public member.

(b) In addition to the requirements of subsection (a), the qualifications for appointment to the board shall include all of the following:

(1) Each board member shall be a resident of this state.
(2) The public member shall be at least 21 years of age.
(3) Except for the public member and the licensed practitioners, each board member shall have at least two years
of experience performing medical imaging or radiation therapy in the modality for which he or she is appointed.

(4) Except for the public member and the licensed practitioners, the Alabama Society of Radiologic Technologists shall nominate and submit a list of at least three names to the Governor for each appointment.

(5) At least one of the board members appointed shall be a full-time educator in an accredited educational program in medical imaging or radiation therapy.

(c) Three of the initial members shall be appointed for a term of one year, three shall be appointed for a term of two years, and three shall be appointed for a term of three years. Successor members shall serve terms of office of three years. An appointment made to fill a vacancy on the board shall possess the same qualifications as the original appointment and shall serve for the unexpired term. No member may serve more than two consecutive terms.

(d) The initial member appointed to the board who performs medical imaging or radiation therapy procedures is not required to hold a valid license issued by the board until 12 months after the first issuance of a license by the board.

(e) Members of the board shall be paid reasonable travel, hotel, and other necessary expenses and may be provided per diem compensation at the rate authorized by the state while on board business.

(f) The board shall meet at least annually in person, at a time and place of its choosing. The first meeting
of the board each year shall be for organization only, in which the membership shall elect a chair and establish responsibilities and rules of procedure. The board may meet periodically by telephone or other electronic communication method to conduct the business of the board as authorized by the laws of this state.

(g) A member of the board who fails to attend three meetings in an 18-month period shall forfeit his or her seat on the board unless the chair, upon written request from the member, finds that the member should be excused from a meeting because of illness or death of a family member.

(h) A majority of the voting members of the board shall constitute a quorum. No action may be taken by the board except by affirmative vote of a majority of those present and voting.

Section 4. The board may do all of the following:

(1) Administer this act.

(2) Issue interpretations of this act.

(3) Establish the scope of practice for each license or permit issued by the board.

(4) Adopt rules pursuant to the Alabama Administrative Procedure Act as necessary to implement this act.

(5) Establish fees and fines as necessary to administer this act.

(6) Establish requirements for the issuance and renewal of a license or permit.
(7) Devise, contract, or adopt by rule an examination for licensure to determine the fitness of an applicant to perform medical imaging or radiation therapy.

(8) Fine a licensee found to be in violation of this act and recover costs and fees incurred in the investigation of a licensee.

(9) Obtain restraining orders and injunctions prohibiting conduct in violation of this act or any rule adopted by the board, conduct investigations, issue subpoenas, conduct a hearing, appoint a hearing officer, examine witnesses, and administer oaths concerning practices that are alleged to violate this act or any rule adopted by the board.

(10) Maintain a written record of all proceedings and make an annual report of all board actions available to licensees and the public.

(11) Develop standards and adopt rules for the improvement of the administration of medical imaging or radiation therapy procedures in this state. The board, by rule, may provide alternative licensing requirements for those areas of the state which the board determines lack an adequate number of qualified licensees to perform medical imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes.

(12) Establish continuing education requirements for license renewal. The board may adopt the continuing education and recertification or continuing competency requirements
established by a medical imaging or radiation therapy certification organization for license renewal.

(13) Establish criteria and standards for educational programs offered in this state in medical imaging or radiation therapy. The board may adopt the accreditation criteria and standards established by an appropriate educational accreditation agency.

(14) Approve medical imaging or radiation therapy educational programs that satisfy the criteria and standards established by the board.

(15) Within 90 days after appointment of the initial members of the board, notify all practitioners of medical imaging and radiation therapy in the state, as identified by the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board, or other appropriate certification organizations, of the requirements of this act.

(16) Establish a budget.

(17) Employ an executive director and any officers and employees as determined necessary, and determine their duties and fix their compensation in accordance with state law.

Section 5. There is established a separate special trust fund in the State Treasury to be known as the Alabama Medical Imaging and Radiation Therapy Board Fund. All receipts collected by the board pursuant to this act shall be deposited in this fund and used only to implement this act. Receipts shall be disbursed only by warrant of the Comptroller upon the
State Treasurer, upon itemized vouchers approved by the chair. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and Sections 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only in amounts as stipulated in the general appropriations bill or other appropriation bills.

Section 6. (a) Commencing on January 1, 2021, except as otherwise provided in this section, only a person licensed under this act may perform or offer to perform medical imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes or hold himself or herself out as licensed to perform medical imaging or radiation therapy procedures.

(b) The board, by rule, shall establish the education, certification, continuing education, licensure, and scope of practice standards for a person performing limited X-ray machine operation, magnetic resonance imaging, nuclear medicine technology, radiation therapy, or radiography.

(c) The board, by rule, shall establish the education, certification, continuing education, licensure, and scope of practice standards for a person performing radiologist assistant duties under the supervision of a radiologist.

(d) No person or business entity shall knowingly employ an unlicensed person, who is not otherwise exempt under this act, to perform medical imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes.
(e) Nothing in this act relating to medical imaging or radiation therapy shall limit or enlarge the practice of a licensed practitioner.

(f) This act does not apply to any of the following:

(1) A licensed practitioner performing medical imaging or radiation therapy procedures.

(2) A licensed dental hygienist.

(3) A licensed dental assistant.

(4) A resident physician or a student enrolled in and attending a school or college of medicine, dentistry, chiropractic, podiatry, dental hygiene, dental assisting, medical imaging, or radiation therapy who performs authorized medical imaging or radiation therapy procedures on humans while under the supervision of a licensed practitioner or under the direct supervision of a person exempted pursuant to subdivision (2) or subdivision (3), or holding a license under this act in the supervised modality.

(5) A person who is employed by the United States government to perform medical imaging or radiation therapy procedures associated with that employment.

(6) A person performing medical imaging or radiation therapy procedures on nonhuman subjects or cadavers.

Section 7. (a) The board shall establish scope of practice standards for each medical imaging and radiation therapy modality. The board, by rule, may adopt a scope of practice from a certification organization or a professional society or association.
(b) Commencing on October 1, 2025, a licensee who performs computed tomography for diagnostic purposes shall be certified in computed tomography by the American Registry of Radiologic Technologists, the Nuclear Medicine Technologist Certification Board, or other certification organization recognized by the board.

(c) A licensed radiographer may perform fluoroscopy.

(d) A licensed limited X-ray machine operator may perform tasks or procedures only within the scope of the specific permit issued to him or her by the board for a particular area of the human anatomy as provided in this act and may not perform procedures involving the administration or utilization of contrast media or perform computed tomography, fluoroscopy, magnetic resonance imaging, mammography, mobile imaging, nuclear medicine, or radiation therapy.

(e) A licensed nuclear medicine technologist may perform computed tomography or magnetic resonance imaging for attenuation correction or anatomical localization on hybrid imaging equipment.

(f) A licensed radiation therapist may perform computed tomography or magnetic resonance imaging for treatment planning purposes.

(g)(1) A licensee may use radioactive substances or equipment emitting ionizing radiation or magnetic resonance and perform medical imaging and radiation therapy procedures on humans for diagnostic or therapeutic purposes only under all of the following conditions:
a. With a valid prescription of a person authorized by this state to prescribe medical imaging or radiation therapy procedures.

b. Under the supervision of a licensed practitioner.

c. Within the scope of the license as specified in this act and pursuant to rules adopted by the board.

(2) A licensee may only perform medical imaging or radiation therapy procedures in a modality for which they are licensed.

(h) A licensee may not make a diagnostic interpretation of an image, make a diagnosis, or prescribe a medication or therapy.

Section 8. (a) A limited X-ray machine operator license shall be limited in scope through the issuance of permits to perform diagnostic X-rays on specific anatomical areas of the human body.

(1) The following permits may be issued:


b. Extremity radiography permit: Radiography of the upper and lower extremities, including the pectoral girdle.

c. Spine radiography permit: Radiography of the vertebral column.

d. Skull-sinus radiography permit: Radiography of the skull and facial structures.

e. Podiatric permit: Radiography of the foot, ankle, and lower leg below the knee.
f. Bone densitometry permit: A person who is certified by the International Society for Clinical Densitometry or the American Registry of Radiologic Technologists in bone densitometry shall be granted a permit to perform bone densitometry testing.

(2) To be licensed by the board as a limited X-ray machine operator, an applicant shall submit the application fee and satisfy all of the following requirements:

a. Be at least 18 years of age at the time of the application.

b. Have a high school diploma or have passed an approved equivalency test.

c. Have satisfactorily completed a course of study in limited X-ray machine operation, or its equivalent, as determined by the board. The curriculum for the course of study shall be no less stringent than the standards approved by the Joint Review Committee on Education in Radiologic Technology, or other appropriate educational accreditation agency recognized by the board.

d. Pass an examination approved by the board.

(b)(1) To be licensed by the board as a medical imaging therapist or radiation therapist, an applicant shall submit the application fee and satisfy all of the following requirements:

a. Be at least 18 years of age at the time of application.
b. Have a high school diploma or have passed an approved equivalency test.

c. Have satisfactorily completed a course of study in magnetic resonance, nuclear medicine, radiation therapy, or radiography, respectively, or its equivalent, as determined by the board. The curriculum for each course of study shall be no less stringent than the standards approved by the Joint Review Committee on Education in Radiologic Technology, Joint Review Committee on Education in Nuclear Medicine Technology, regional accrediting agencies, or other appropriate educational accreditation agency recognized by certification organizations. A person who is certified and registered by a certification organization recognized by the board in a medical imaging or radiation therapy modality or specialization is deemed to have satisfied the requirement of this paragraph for successful completion of a course of study in the modality.

d. Pass an applicable modality or specialization examination administered by a certification organization recognized by the board. A person who is certified and registered in a medical imaging or radiation therapy modality is deemed to have satisfied the requirements of this paragraph for successful completion of an examination.

(c)(1) To be eligible for licensure by the board as a radiologist assistant, an applicant shall satisfy the requirements of subsection (b) and all of the following requirements:
a. Is licensed as a radiographer and is certified and registered as a radiographer by the American Registry of Radiologic Technologists.

b. Is certified and registered as a radiologist assistant by the American Registry of Radiologic Technologists or as a radiology practitioner assistant by the Certification Board of Radiology Practitioner Assistants.

c. Submits to the board clinical protocols, signed by the supervising radiologist, specifying procedures that are performed by the radiologist assistant, levels of radiologist supervision, and locations of practice designated by the supervising radiologist. Updated protocols shall be submitted biannually consistent with license renewal. The radiologist assistant scope of practice shall be consistent with the most recent version of the Radiologist Assistant Practice Standards published by the American Society of Radiologic Technologists.

(2) A licensed radiologist assistant may not interpret images, make diagnoses, or prescribe medications or therapies.

(d) An applicant or licensee shall notify the board in writing within 30 days after any of the following:

(1) A change in his or her name or address.

(2) Failure to maintain a required certification and registration by a certification organization.

(3) Any legal or disciplinary action against the applicant or licensee, other than minor traffic infractions, or a proceeding brought for any act or conduct substantially
similar to any act or conduct that would constitute grounds for refusal to issue, refusal to renew, suspension, revocation, or other discipline of an applicant or licensee under this act by any of the following:

a. A licensing jurisdiction, whether located within the United States or not.
b. A health care institution.
c. A professional society or association.
d. A certification organization.
e. A government agency.
f. A law enforcement agency.
g. A court of law.

Section 9. A person who is engaged in the practice of medical imaging and radiation therapy, other than a radiologist assistant, who does not hold certification and registration by a certification organization recognized by the board on the effective date of this act, may continue to practice in the medical imaging or radiation therapy modality in which employed if he or she satisfies all of the following:

(1) Registers with the board on or before January 1, 2021.

(2) Does not change employment or the scope of his or her practice.

(3) Completes all continuing education requirements for his or her modality or specialization biannually as prescribed by the board.
(4) Practices only under the supervision of a licensed practitioner.

(5) Satisfies all licensure requirements imposed by this act and rules adopted by the board and obtains a license from the board on or before January 1, 2025.

Section 10. (a) To satisfy the examination requirements of this act for licensure as a magnetic resonance technologist, nuclear medicine technologist, radiation therapist, radiographer, or radiologist assistant, the board shall accept certification and registration by a certification organization recognized by the board in the modality of the applicant or licensee.

(b)(1) The board shall use a limited X-ray machine operator examination administered by the American Registry of Radiologic Technologists for persons applying for licensure as a limited X-ray machine operator and permit in chest, extremity, skull-sinus, podiatric, or spine radiography. The board, by rule, shall determine the examination score that constitutes successful completion of the examination.

(2) If an examination for limited X-ray machine operator is administered by the board, the examination shall be given at least twice each year at a time and place, and under such supervision, as the board, by rule, may require.

(c) The board may accept certification and registration from the American Chiropractic Registry of Radiologic Technologists to satisfy the requirement of this subsection for successful completion of an examination for a
person applying for licensure as a limited X-ray machine
operator and permit in spine radiography.

(d) The board may accept certification from the
American Society of Podiatric Medical Assistants to satisfy
the requirement of this subsection for successful completion
of an examination for a person applying for licensure as a
limited X-ray machine operator and permit in podiatric
radiography.

(e) The board shall accept magnetic resonance
certification and registration from the American Registry of
Radiologic Technologists or other certification organization
recognized by the board to satisfy the examination requirement
of this section.

(f) The board shall accept nuclear medicine
certification and registration from the American Registry of
Radiologic Technologists, the Nuclear Medicine Technologist
Certification Board, or other certification organization
recognized by the board to satisfy the examination requirement
of this section.

(g) The board shall accept radiation therapy
certification and registration from the American Registry of
Radiologic Technologists or other certification organization
recognized by the board to satisfy the examination requirement
of this section.

(h) The board shall accept radiography certification
and registration from the American Registry of Radiologic
Technologists or other certification organization recognized
by the board to satisfy the examination requirements of this
section.

Section 11. (a) The board shall issue a license to
an applicant who satisfies the requirements for licensure
specified in this act and by rules adopted by the board,
verified by oath or affirmation, and upon payment of any fees
required by rules adopted by the board. The board may issue a
license with authorization to perform more than one medical
imaging or radiation therapy modality if the applicant is
qualified in each modality.

(b) The board may issue a temporary license to any
applicant whose license or license renewal is pending or who
the board determines will provide medical imaging or radiation
therapy services to a medically underserved area of the state.

(1) A temporary license may only be issued if the
board determines that the issuance does not violate the
purpose of this act or endanger the public health and safety.

(2) A temporary license in a modality may be issued
to an applicant who is preparing for a certification
examination in the modality.

(3) A temporary license shall expire when the
applicant is issued a license, denied a license, or 90
calendar days after issuance, whichever occurs first. The
board may extend a temporary license for an additional 90 days
if the applicant fails to successfully complete the
certification examination. A temporary license may only be
extended one time.
(c) Except for a limited X-ray machine operator licensee, a licensee may apply to the board for a temporary license in an additional medical imaging or radiation therapy modality for the purpose of completing clinical experience requirements for an applicable training pathway established by a certification organization recognized by the board. A temporary license issued pursuant to this subsection shall expire three years after issuance.

(d) A licensee shall display his or her official license, or a verified copy of the official license, in each place of regular employment.

Section 12. (a) The board, by rule, shall establish standards for medical imaging and radiation therapy educational programs. The standards shall be no less stringent than the standards approved by the Joint Review Committee on Education in Radiologic Technology, the Joint Review Committee on Education in Nuclear Medicine Technology, regional accrediting agencies, or other appropriate educational accreditation agencies recognized by certification organizations.

(b) A program in magnetic resonance technology, nuclear medicine technology, radiation therapy, or radiography that is approved by the board shall be offered by a medical facility or educational institution. The program shall be affiliated with one or more hospitals or clinics approved by the board to provide the requisite clinical education.
(c) The board, by rule, may establish a course of
study for a limited X-ray machine operator.

Section 13. (a) Unless otherwise provided, a license
issued under this act shall be renewed every two years. The
board may adjust the expiration date of a license by up to six
months to allow coordination with certification and
registration expiration dates. The license shall be renewed
upon the payment of a renewal fee, established by rule of the
board, and verification by oath or affirmation of the licensee
that he or she is not in violation of this act or any rule
adopted by the board.

(b) The board shall notify a licensee at least 60
days before the expiration of his or her license.

(c) A licensee is responsible for renewing a license
before the expiration date. A license that is not renewed
before the expiration date shall automatically lapse.

(d) The board, by rule, may provide for the late
renewal of an automatically lapsed license upon the payment of
a reinstatement fee. A license that has been expired for more
than two years may not be reinstated.

(e) Where applicable, a licensee shall maintain
certification and registration by the applicable certification
organization recognized by the board throughout the licensure
period and may not be required to duplicate continuing
education hours submitted to the certification organization.

(f) The board may require a licensee to submit
evidence of certification and registration by the applicable
certification organization. The certification and registration shall be deemed equivalent to the continuing education requirements established by this act or by rule of the board.

   (g) As a condition of license renewal, a fluoroscopy operator or limited X-ray machine operator licensee shall complete continuing education requirements established by rule of the board.

Section 14. Upon application and payment of proper fees, the board may issue a license to a person who has been licensed, registered, or certified to perform medical imaging or radiation therapy procedures in another jurisdiction if the standards of that jurisdiction are substantially equivalent to those required by this act and rules of the board.

Section 15. The board, by rule, shall establish and collect all fees authorized by this act and necessary for the administration of this act. All fees are nonrefundable.

Section 16. (a) The board may deny, suspend, revoke, or refuse to renew a license or impose probationary conditions on a license if the licensee or applicant for a license, renewal of a license, or reinstatement of a license has engaged in any of the following conduct:

   (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.

   (2) Engaging in unprofessional conduct as defined by rule of the board.

   (3) Having been convicted of or pleaded guilty or nolo contendere to a crime involving moral turpitude or any
crime that indicates that the licensee or applicant is unfit or incompetent to perform medical imaging or radiation therapy procedures or that the licensee or applicant has deceived or defrauded the public.

(4) Engaging in any act or practice in violation of this act or any rule adopted by the board, or aiding, abetting, or assisting any person in such a violation.

(5) Committing an act of malpractice, gross negligence, or incompetence in performing medical imaging or radiation therapy procedures.

(6) Practicing as a person licensed to perform medical imaging or radiation therapy procedures without a license.

(7) Engaging in conduct that could result in harm or injury to the public.

(8) Having a license issued under this act revoked or suspended or other disciplinary action taken, whether in this state or another jurisdiction.

(9) Having been determined to be unfit or incompetent to perform medical imaging or radiation therapy procedures due to deliberate or negligent acts or omissions, regardless of whether actual injury to a patient is established.

(b) An application for reinstatement of a revoked license may not be made to the board until two years after the date of revocation.
Section 17. (a) The board may apply to any appropriate court for an order enjoining violations of this act or rule adopted by the board, and upon a showing by the board that a person has violated or is about to violate this act or any rule adopted by the board, the court may grant an injunction, restraining order, or take other appropriate action.

(b) Any person who is found guilty of violating this act or any rule adopted by the board shall be guilty of a Class C misdemeanor. Each violation shall constitute a distinct and separate offense.

Section 18. (a) The board may assess a civil penalty not in excess of the amount allowable under state law for the violation of this act or any rule adopted by the board. The proceeds of any civil penalty assessed under this section shall be paid into the Alabama Medical Imaging and Radiation Therapy Board Fund established by this act.

(b) Before imposing and assessing a civil penalty, the board shall consider the following factors:

(1) The nature, gravity, and persistence of the violation.

(2) The appropriateness of the imposition of a civil penalty when considered alone or in combination with other punishment.

(3) Whether the violation was willful and malicious.

(4) Any other factor that would tend to mitigate or aggravate the violation if found to exist.
(c) The board, by rule, shall establish a schedule of civil penalties for violation of this act and any rule adopted by the board.

(d) The board may assess the costs of disciplinary actions against a person found to be in violation of this act or any rule adopted by the board.

Section 19. The board shall be subject to the Alabama Sunset Law, Chapter 20, Title 41, Code of Alabama 1975, as an enumerated agency as provided in Section 41-20-3, Code of Alabama 1975, and shall have a termination date of October 1, 2024, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

Section 20. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 21. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.