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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1835 Session of  
2009

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INTRODUCED BY READSHAW, D. COSTA, FABRIZIO, HARKINS, KORTZ,  
MARKOSEK, PASHINSKI, SIPTROTH AND SOLOBAY, JULY 8, 2009

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JULY 8, 2009

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AN ACT

1 Regulating medical physicists; establishing the State Board of  
2 Medical Physicists; providing for funds, for licensure, for  
3 disciplinary action, for remedies, for penalties and for  
4 preemption.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 finds and declares as follows:

7 The practice of medical physics by unqualified individuals is  
8 a threat to public health and safety. It is, therefore, the  
9 responsibility of the Commonwealth to protect public health and  
10 safety from the harmful effects of excessive and unnecessary  
11 radiation by ensuring that the practice of medical physics is  
12 entrusted only to individuals licensed under this act.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Short title.

16 This act shall be known and may be cited as the Medical  
17 Physicists Law.

18 Section 2. Definitions.

19 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Account." The Professional Licensure Augmentation Account.

4 "Applicant." An individual who applies for a license.

5 "Board." The State Board of Medical Physicists.

6 "Bureau." The Bureau of Professional and Occupational  
7 Affairs.

8 "Clinical." Activities directly relating to the treatment of  
9 diagnosis of human ailments.

10 "Commissioner." The Commissioner of Professional and  
11 Occupational Affairs.

12 "Conviction." A judgment of guilt, an admission of guilt or  
13 a plea of nolo contendere.

14 "Department." The Department of State of the Commonwealth.

15 "Diagnostic radiological physics." The branch of medical  
16 physics relating to the diagnostic applications of x-rays, gamma  
17 rays from sealed sources, ultrasonic radiation, radio frequency  
18 radiation and magnetic fields; the equipment associated with  
19 their production, use, measurement and evaluation; and the  
20 quality of images resulting from their production and the use of  
21 medical health physics associated with this subfield.

22 "License." A license to practice medical physics under this  
23 act.

24 "Licensee." An individual who holds a license to practice  
25 medical physics.

26 "Medical health physics." The branch of medical physics  
27 pertaining to the safe use of x-rays, gamma rays, electron and  
28 other charged particle beams or neutrons or radionuclides and of  
29 radiation from sealed and unsealed radionuclide sources for  
30 diagnostic and therapeutic purposes and the instrumentation

1 required to perform appropriate radiation surveys.

2 "Medical nuclear physics." The branch of medical physics  
3 pertaining to the therapeutic and diagnostic applications of  
4 radionuclides, except those used in sealed sources for  
5 therapeutic purposes; the equipments associated with their  
6 production, use, measurement and evaluation; and the quality of  
7 the images resulting from their production and use and the  
8 medical health physics associated with this subfield.

9 "Medical physics." The branch of physics that is associated  
10 with the practice of medicine.

11 "Practice of medical physics." The use of principles and  
12 accepted protocols of physics to provide the quality, quantity  
13 and placement of radiation during the performance of a  
14 radiological procedure.

15 "Radiation." Ionizing or nonionizing radiation above  
16 background levels which is used to perform a diagnostic or  
17 therapeutic medical or dental radiological procedure.

18 "Radiological physics." Diagnostic radiological physics,  
19 therapeutic radiological physics or radiation oncology physics,  
20 medical nuclear physics and medical health physics.

21 "Radiological procedure." A test, measurement, calculation  
22 or radiation exposure used in the diagnosis or treatment of  
23 disease or other medical or dental conditions in human beings  
24 that includes therapeutic radiation, diagnostic radiation,  
25 nuclear magnetic resonance or nuclear medicine procedures.

26 "Specialty" or "special area." The following branch or  
27 branches of special competence within medical physics:  
28 diagnostic radiological physics, medical health physics, medical  
29 nuclear physics, radiation oncology physics and therapeutic  
30 radiological physics.

1 "Therapeutic radiological physics" or "radiation oncology  
2 physics." The branch of medical physics relating to the  
3 therapeutic applications of x-rays, gamma rays, electron and  
4 charged particle beams, neutrons and radiations from sealed  
5 radionuclide sources; the equipment associated with their  
6 production, use, measurement, and evaluation; the quality of  
7 images resulting from their production and use; and the medical  
8 health physics associated with this subfield.

9 Section 3. Board.

10 (a) Establishment.--There is established the State Board of  
11 Medical Physicists, an administrative board within the  
12 department. The board shall consist of 11 members who are  
13 citizens of the United States and who have been residents of  
14 this Commonwealth for at least a five-year period prior to the  
15 effective date of this section. The board shall be composed of  
16 the following individuals:

17 (1) One member who is a member of the public.

18 (2) Four members who meet the educational and experience  
19 qualifications for licensure under section 5. One member  
20 shall be from each of the following specialties:

21 (i) Diagnostic radiological physics.

22 (ii) Therapeutic radiological or radiation oncology  
23 physics.

24 (iii) Medical nuclear physics.

25 (iv) Medical health physics.

26 (3) Three members shall be licensed physicians  
27 represented by each of the following specialties:

28 (i) Diagnostic radiology.

29 (ii) Radiation therapy or radiation oncology.

30 (iii) Nuclear medicine.

1 (4) The Secretary of Health or a designee.

2 (5) The Attorney General or a designee.

3 (6) The commissioner or a designee.

4 (b) Term of office.--Except as provided in subsection (c),  
5 the members of the board shall serve for four-year terms and  
6 shall be appointed by the Governor by and with the advice and  
7 consent of a majority of the members elected to the Senate.

8 (c) Initial appointments.--Within 180 days of the effective  
9 date of this section, the Governor shall nominate two  
10 professional members to serve four-year terms, one public member  
11 and one professional member to serve three-year terms, one  
12 professional member to serve two-year terms and one professional  
13 member to serve a one-year term. A professional member initially  
14 appointed to the board under this act need not be licensed by  
15 the Commonwealth at the time of appointment, but at the time of  
16 appointment must have satisfied the eligibility requirements for  
17 licensure and must have practiced medical physics for five  
18 consecutive years or more immediately preceding the  
19 appointments.

20 (d) Continuation in office.--Each board member shall  
21 continue in office until a successor is appointed and qualified  
22 but no longer than six months after the expiration of the term.  
23 If a board member shall die, resign or otherwise become  
24 disqualified during the term of office, a successor shall be  
25 appointed in the same way and with the same qualifications as  
26 set forth in this section and shall hold office for the  
27 unexpired portion of the term.

28 (e) Limit on terms.--No board member shall be eligible for  
29 reappointment to serve more than two consecutive four-year  
30 terms.

1 (f) Forfeiture of membership.--A professional or public  
2 member who fails to attend three meetings in 18 months shall  
3 forfeit the member's seat unless the commissioner, upon written  
4 request from the member, finds that the member should be excused  
5 from a meeting because of illness or death of a family member.

6 (g) Compensation.--A member of the board, except the  
7 commissioner, shall receive per diem compensation at the rate of  
8 \$60 when actually attending to the work of the board. Members  
9 shall also receive reasonable traveling, hotel and other  
10 necessary expenses incurred in the performance of their duties  
11 in accordance with regulations.

12 (h) Forfeiture for nonattendance.--A public member who fails  
13 to attend two consecutive statutorily mandated conferences in  
14 accordance with section 813(e) of the act of April 9, 1929  
15 (P.L.177, No.175), known as The Administrative Code of 1929,  
16 shall forfeit the public member's seat unless the commissioner,  
17 upon written request from the public member, finds that the  
18 public member should be excused from a meeting because of  
19 illness or the death of a family member.

20 (i) Quorum.--A majority of the members of the board shall  
21 constitute a quorum for the purposes of conducting the business  
22 of the board. Except for temporary and automatic suspensions  
23 under section 9(d), a member may not be counted as part of a  
24 quorum or vote on any issue unless the member is physically in  
25 attendance at the meeting.

26 (j) Chairperson.--The board shall annually select a  
27 chairperson from among its members.

28 (k) Meetings.--The board shall meet at least four times a  
29 year in Harrisburg and at other times and places as the board  
30 shall determine is necessary to conduct board business.

1 (1) Operating procedures.--The board shall meet within 30  
2 days after the appointment of its initial members and shall  
3 institute operating procedures and an application form for  
4 licensing medical physicists. It shall be the responsibility of  
5 the board to educate the public as to the requirements of  
6 licensing in order to hold oneself out or to practice as a  
7 licensed medical physicist within this Commonwealth.

8 Section 4. Powers and duties of board.

9 The board has the following powers and duties:

10 (1) To pass upon the qualifications and fitness of  
11 applicants for licenses and reciprocal licenses.

12 (2) To promulgate regulations not inconsistent with this  
13 act and only as necessary to carry out this act.

14 (3) To examine, deny, approve, issue, revoke, suspend or  
15 renew licenses of medical physicists under this act and to  
16 conduct hearings in connection with those powers and duties.

17 (4) To submit annually a report to the Consumer  
18 Protection and Professional Licensure Committee of the Senate  
19 and the Professional Licensure Committee of the House of  
20 Representatives containing a description of the types of  
21 complaints received, status of the cases, board action which  
22 has been taken and length of time from the initial complaint  
23 to final board resolution.

24 (5) To submit annually to the Appropriations Committee  
25 of the Senate and the Appropriations Committee of the House  
26 of Representatives, within 15 days after the Governor has  
27 submitted a budget to the General Assembly, a copy of the  
28 budget request for the upcoming fiscal year which the board  
29 previously submitted to the department.

30 (6) To establish standards of eligibility for license

1 renewal. These standards shall include, but not be limited  
2 to, the demonstration of satisfactory completion of  
3 continuing education related to the practice of medical  
4 physics in accordance with board regulations. No credit may  
5 be given for courses in office management or practice  
6 building. The board may waive all or part of the continuing  
7 education requirement to a licensee who shows to the  
8 satisfaction of the board that the licensee was unable to  
9 complete the requirement due to illness, emergency or  
10 hardship.

11 Section 5. Qualification for licensure.

12 (a) Applicants.--An applicant shall be considered to be  
13 qualified for a license if the applicant submits proof  
14 satisfactory to the board of all of the following:

15 (1) The applicant is of good moral character.

16 (2) The applicant has completed a graduate degree from  
17 an accredited college or university in accordance with  
18 regulations developed by the board.

19 (3) The applicant has passed an examination under  
20 section 7.

21 (4) The applicant has paid a fee as established by the  
22 board by regulation.

23 (5) The applicant has not been convicted of a felony  
24 under the act of April 14, 1972 (P.L.233, No.64), known as  
25 The Controlled Substance, Drug, Device and Cosmetic Act, or  
26 of an offense under the laws of another jurisdiction which,  
27 if committed in this Commonwealth, would be a felony under  
28 The Controlled Substance, Drug, Device and Cosmetic Act,  
29 unless the following apply:

30 (i) At least ten years have elapsed from the date of



1 conviction.

2 (ii) The applicant satisfactorily demonstrates to  
3 the board that the applicant has made significant  
4 progress in personal rehabilitation since the conviction  
5 and that licensure of the applicant should not be  
6 expected to create a substantial risk of harm to the  
7 health and safety of the applicant's clients or the  
8 public or a substantial risk of further criminal  
9 violations.

10 (iii) The applicant otherwise satisfies the  
11 qualifications required under this act.

12 (b) Waiver of standardized examination.--

13 (1) The board may promulgate regulations that allow for  
14 an individual to receive a license in a specialty without  
15 taking the standardized examination so long as the  
16 individual:

17 (i) Meets all other requirements for the license.

18 (ii) Has graduated from:

19 (A) an approved bachelor's degree program and  
20 has a total of 15 years of full-time work experience  
21 in the specialty field; or

22 (B) an approved master's or doctoral degree  
23 program and has a total of two years of full-time  
24 work experience in the past seven years and one year  
25 of full-time work experience in the past ten years in  
26 the specialty field.

27 (2) This waiver shall only be granted within two years  
28 of the effective date of this act.

29 (c) Temporary practice permit.--

30 (1) The board may issue a temporary practice permit to

1 an applicant before the applicant has received board  
2 certification by a national certifying board in the field of  
3 medical physics recognized by the board, or to an applicant  
4 currently enrolled in an approved graduate or postgraduate  
5 program for medical physics.

6 (2) The temporary practice permit issued under paragraph  
7 (1) shall be renewable at the discretion of the board and  
8 shall expire on the earlier of:

9 (i) two years from the date of issuance; or

10 (ii) the date the applicant fails the licensing  
11 examination.

12 (3) An applicant licensed in a specialty of medical  
13 physics who is in good standing for two years in another  
14 jurisdiction that has licensing requirements that are  
15 substantially equivalent to this act as determined by the  
16 board if the applicant has also:

17 (i) Passed a national or other examination  
18 recognized by the board relating to the specialty of  
19 medical physics.

20 (ii) Is sponsored by a person licensed under this  
21 act with whom the professional license holder will  
22 practice during the time the applicant holds a temporary  
23 license.

24 (4) The temporary practice permit shall only authorize  
25 the holder to practice medical physics under the direct  
26 supervision of a licensed medical physicist and only in the  
27 specialty of the licensed medical physicist.

28 (5) Medical physics experience obtained in this  
29 Commonwealth credited to the experience requirement for  
30 licensure must be obtained under a temporary license.

1 (d) Transferability.--A license and a temporary practice  
2 permit are not transferable.

3 Section 6. Biennial renewal of license.

4 (a) Duration of license.--A license shall be valid for two  
5 years. The expiration date shall be established by regulation of  
6 the board. Application for renewal of a license shall be  
7 forwarded to an individual holding a current license prior to  
8 the expiration date of the current renewal.

9 (b) Procedure.--To renew a license, a licensee must do all  
10 of the following:

11 (1) File a renewal application with the board which  
12 includes certification of successful completion of continuing  
13 education in the field of medical physics during the  
14 immediately preceding two years as required by the board.  
15 Certification of continuing education credit hours submitted  
16 by the medical physicist shall be properly signed by the  
17 medical physicist as being correct and true.

18 (2) Pay a fee established by regulation of the board.

19 (c) Inactive status.--Any person licensed under this act may  
20 request an application for inactive status. The application may  
21 be completed and returned to the board. Upon receipt of each  
22 application, the applicant shall be maintained on inactive  
23 status without fee and shall be entitled to apply for an active  
24 license at any time. An application to reactivate a license  
25 which has been placed on inactive status for less than five  
26 years shall be accompanied by a verification of nonpractice, the  
27 renewal fee and documentation evidencing the satisfactory  
28 completion of the continuing education requirement for the  
29 preceding biennial period. Any person who requests an active  
30 status license who has been on inactive status for a period of

1 five consecutive years or longer shall, prior to receiving an  
2 active license, satisfy the requirements of the board's  
3 regulations for ensuring continued competence and remit the  
4 required fee. A person shall not be denied active status as a  
5 result of any increased educational requirements for licensure  
6 since the time he or she received his or her original license.

7 (d) Reporting of multiple licensure.--A licensee who is  
8 licensed to practice medical physics in another jurisdiction  
9 shall report this information to the board on the license  
10 renewal application. Any disciplinary action taken in another  
11 jurisdiction shall be reported to the board on the license  
12 renewal application or within 90 days of final disposition,  
13 whichever is sooner. Multiple licensure in other states shall be  
14 noted by the board on the licensee's record, and the other  
15 licensing jurisdiction shall be notified by the board of any  
16 disciplinary actions taken against the licensee in this  
17 Commonwealth.

#### 18 Section 7. Examinations.

19 The board shall require an applicant to have passed a  
20 national or other examination in the field of medical physics  
21 recognized by the board.

#### 22 Section 8. Reciprocity.

23 The board has the power to grant a reciprocal license without  
24 further examination to an applicant who is licensed or certified  
25 as a medical physicist or similar practice in another state and  
26 has demonstrated qualifications which equal or exceed those  
27 required under this act in the determination of the board. No  
28 license shall be granted under this section to an applicant  
29 unless the state in which the applicant is licensed affords  
30 reciprocal treatment to individuals who are residents of this

1 Commonwealth and who are licensed under this act.

2 Section 9. Refusal, suspension and revocation of licenses.

3 (a) Grounds.--The board may refuse, suspend, revoke, limit  
4 or restrict a license or discipline a licensee for any of the  
5 following:

6 (1) Being convicted under Federal law, under the law of  
7 any state or under the law of another jurisdiction of a crime  
8 of moral turpitude or of an offense which, if committed in  
9 this Commonwealth, would constitute a felony.

10 (2) Being found to have engaged in immoral or  
11 unprofessional conduct. In proceedings based on this  
12 paragraph, actual injury to the client need not be  
13 established. As used in this paragraph, the term  
14 "unprofessional conduct" includes a departure from or failure  
15 to conform to the standards of acceptable and prevailing  
16 practice.

17 (3) Violating standards of professional practice or  
18 conduct as established by board regulation.

19 (4) Presenting false credentials or documents or making  
20 a false statement of fact in support of the individual's  
21 application for a license.

22 (5) Submitting a false or deceptive license renewal to  
23 the board.

24 (6) Having a license suspended, revoked or refused or  
25 receiving other disciplinary action by the proper licensing  
26 authority of another jurisdiction.

27 (7) Violating a regulation promulgated by the board or  
28 violating an order of the board previously entered in a  
29 disciplinary proceeding.

30 (8) Incompetence, negligence or misconduct in carrying

1 out the practice of medical physics.

2 (9) Practicing beyond the licensee's defined scope of  
3 practice.

4 (10) Knowingly aiding, assisting, hiring or advising  
5 someone in the unlawful practice of medical physics.

6 (11) Being unable to practice with reasonable skill and  
7 safety by reason of illness, drunkenness, use of drugs,  
8 narcotics, chemicals or any other type of material or as a  
9 result of any mental or physical condition. In enforcing this  
10 paragraph, the board, upon probable cause, has authority to  
11 compel a licensee to submit to a mental or physical  
12 examination by a physician approved by the board. Failure of  
13 a licensee to submit to an examination when directed by the  
14 board, unless the failure is due to circumstances beyond the  
15 licensee's control, may result in a default and final order  
16 entered against the licensee without the taking of testimony  
17 or presentation of evidence. A licensee affected under this  
18 paragraph shall be afforded an opportunity to demonstrate  
19 that the licensee can resume competent practice with  
20 reasonable skill and safety.

21 (b) Board action.--If the board finds that the license or  
22 application for license may be refused, revoked, restricted or  
23 suspended under the terms of subsection (a), the board may do  
24 any of the following:

25 (1) Deny the application for a license.

26 (2) Administer a public reprimand.

27 (3) Revoke, suspend, limit or otherwise restrict a  
28 license.

29 (4) Require a licensee to submit to the care, counseling  
30 or treatment of a physician.

1           (5) Suspend enforcement of its findings and place a  
2           licensee on probation with the right to vacate the  
3           probationary order for noncompliance.

4           (6) Restore a suspended license and impose any  
5           disciplinary or corrective measure which it might originally  
6           have imposed.

7           (c) Administrative Agency Law.--Actions of the board under  
8           subsections (a) and (b) are subject to 2 Pa.C.S. Chs. 5 Subch. A  
9           (relating to practice and procedure of Commonwealth agencies)  
10          and 7 Subch. A (relating to judicial review of Commonwealth  
11          agency action).

12          (d) Temporary and automatic suspension.--A license issued  
13          under this act shall be temporarily suspended under  
14          circumstances determined by the board to be an immediate and  
15          clear danger to the public health and safety. The board shall  
16          issue an order to that effect without a hearing, but upon due  
17          notice, to the licensee concerned at his or her last known  
18          address, which shall include a written statement of all  
19          allegations against the licensee. The provisions of subsection  
20          (c) shall not apply to temporary suspension. The board shall  
21          thereupon commence formal action to suspend, revoke or restrict  
22          the license of the person concerned as otherwise provided for in  
23          this act. All actions shall be taken promptly and without delay.  
24          Within 30 days following the issuance of an order temporarily  
25          suspending a license, the board shall conduct or cause to be  
26          conducted a preliminary hearing to determine that there is a  
27          prima facie case supporting the suspension. The licensee whose  
28          license has been temporarily suspended may be present at the  
29          preliminary hearing and may be represented by counsel, cross-  
30          examine witnesses, inspect physical evidence, call witnesses,

1 offer evidence and testimony and make a record of the  
2 proceedings. If it is determined that there is not a prima facie  
3 case, the suspended license shall be immediately restored. The  
4 temporary suspension shall remain in effect until vacated by the  
5 board, but in no event longer than 180 days.

6 Section 10. Reinstatement of license.

7 Unless ordered to do so by a court of competent jurisdiction,  
8 the board shall not reinstate a license which has been revoked.  
9 An individual whose license has been revoked may reapply for a  
10 license after a period of at least five years, except for a  
11 period of at least ten years if the license was revoked because  
12 the license holder was convicted of a felony as described in  
13 section 5(a)(5) and must meet all of the licensing requirements  
14 of this act.

15 Section 11. Setting of fees and disposition of fees, fines and  
16 civil penalties.

17 (a) Setting of fees.--All fees required under this act shall  
18 be fixed by the board by regulation and shall be subject to the  
19 act of June 25, 1982 (P.L.633, No.181), known as the Regulatory  
20 Review Act. If the revenues raised by the fees, fines and civil  
21 penalties imposed under this act are not sufficient to meet  
22 expenditures over a two-year period, the board shall increase  
23 those fees by regulation so that projected revenues will meet or  
24 exceed projected expenditures.

25 (b) Fee increase.--If the bureau determines that the fees  
26 established by the board under subsection (a) are inadequate to  
27 meet the minimum enforcement efforts required by this act, then  
28 the bureau, after consultation with the board and subject to the  
29 Regulatory Review Act, shall increase the fees by regulation in  
30 an amount that adequate revenues are raised to meet the required



1 enforcement effort.

2 (c) Disposition of fees, fines and civil penalties.--All  
3 fees, fines and civil penalties imposed in accordance with this  
4 act shall be paid into the Professional Licensure Augmentation  
5 Account.

6 (d) Fees permitted.--The board may charge a fee, as set by  
7 the board by regulation, for all examinations, registrations,  
8 renewals, certifications, licenses or applications permitted by  
9 this act or regulations under this act.

10 Section 12. Public access to list of licensees.

11 The board shall maintain a current list of any person  
12 licensed with the board. The list shall be posted on the board's  
13 Internet website and shall be subject to the act of February 14,  
14 2008 (P.L.6, No.3), known as the Right-to-Know Law.

15 Section 13. Other professions.

16 Nothing in this act shall be construed as preventing,  
17 restricting or requiring licensure of any of the following  
18 activities:

19 (1) The practice of a profession by an individual who is  
20 licensed, certified or registered by a Commonwealth agency  
21 under other law and who is performing services or advertising  
22 within the authorized scope of practice.

23 (2) The practice of medical physics by an individual  
24 employed by the Federal Government while the individual is  
25 engaged in the performance of duties under Federal law.

26 (3) A student enrolled in an approved medical physics  
27 education program who is:

28 (i) conducting medical physics activities under the  
29 supervision of:

30 (A) a licensee; or

1 (B) instructors or supervisors who meet the  
2 licensing criteria of the Department of Education or  
3 the board; and

4 (ii) enrolled in a school approved by the Department  
5 of Education or by the board.

6 Section 14. Unlawful practice.

7 (a) General rule.--Except as set forth in section 13(1) and  
8 (2), an individual may not practice medical physics or hold  
9 oneself out as a medical physicist unless licensed by the board.

10 (b) Title.--Only an individual licensed under this act shall  
11 use the title "licensed medical physicist."

12 (c) Employment.--An individual, corporation, partnership,  
13 firm or other entity may not employ an individual in medical  
14 physics unless the individual is licensed by the board.

15 (d) Terminology.--Except as set forth in section 13(1), a  
16 business entity may not utilize in connection with a business  
17 name or activity any derivative of the terms and their related  
18 abbreviations which implies directly or indirectly that medical  
19 physics services are being provided, unless services of the  
20 business are provided by licensees. The board shall promulgate  
21 regulations on this subsection.

22 (e) Injunction.--It shall be unlawful for any person to  
23 practice or attempt to offer to practice medical physics as  
24 defined in this act without having, at the time of so doing, a  
25 valid, unexpired, unrevoked and unsuspended license issued under  
26 this act. The unlawful practice may be enjoined by the courts on  
27 petition of the board or the commissioner. In any such  
28 proceeding, it shall not be necessary to show that any person is  
29 individually injured by the actions complained of. If it is  
30 determined that the respondent has engaged in the unlawful

1 practice, the court shall enjoin the respondent from so  
2 practicing unless and until the respondent has been duly  
3 licensed. Procedure in such cases shall be the same as in any  
4 other injunction suit. The remedy by injunction hereby given is  
5 in addition to any other civil or criminal prosecution and  
6 punishment.

7 (f) Remedy cumulative.--The injunctive remedy provided in  
8 this section shall be in addition to any other civil or criminal  
9 prosecution and punishment.

10 Section 15. Violation of act.

11 (a) General rule.--Notwithstanding any law to the contrary,  
12 a person that violates a provision of this act commits a  
13 misdemeanor of the third degree and shall, upon conviction, be  
14 sentenced to pay a fine of not more than \$1,000 or to  
15 imprisonment for not more than six months for the first  
16 violation and to pay a fine of not more than \$2,000 or to  
17 imprisonment for not less than six months nor more than one  
18 year, or both, for each subsequent violation.

19 (b) Civil penalty.--In addition to any other civil remedy or  
20 criminal penalty provided for in this act, the board, by a vote  
21 of the majority of the maximum number of the authorized  
22 membership of the board or by a vote of the majority of the  
23 qualified and confirmed membership or a minimum of five members,  
24 whichever is greater, may levy a civil penalty of up to \$10,000  
25 on any of the following:

26 (1) A medical physicist who violates a provision of this  
27 act.

28 (2) A person that employs a medical physicist in  
29 violation of this act.

30 (3) An individual who holds himself out as a licensee

1 without being properly licensed as provided in this act.

2 (4) The responsible officers or employees of a  
3 corporation, partnership, firm or other entity that violates  
4 a provision of this act.

5 (c) Assessment of costs of investigation.--The board may  
6 assess against the respondent in a disciplinary action under  
7 this act, as part of the sanction, the cost of investigation  
8 underlying that disciplinary action.

9 (d) Administrative Agency Law.--Action of the board under  
10 subsection (b) is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating  
11 to practice and procedure of Commonwealth agencies) and 7 Subch.  
12 A (relating to judicial review of Commonwealth agency action).  
13 Section 16. Preemption.

14 This act shall preempt and supersede any ordinance relating  
15 to the licensure or regulation of medical physics by a political  
16 subdivision in effect on the effective date of this section.  
17 Section 17. Effect of licensure.

18 Licensure under this act shall not be construed as requiring  
19 new or additional third-party reimbursement or otherwise  
20 mandating coverage under 75 Pa.C.S. Ch. 17 (relating to  
21 financial responsibility) or the act of June 2, 1915 (P.L.736,  
22 No.338), known as the Workers' Compensation Act.

23 Section 18. Exemptions.

24 Nothing in this article shall be construed to:

25 (1) Affect, prevent or in any manner expand or limit the  
26 authority of any person otherwise authorized by law or  
27 regulation to practice any function of a medical physicist,  
28 or any department of agency authorized by law or regulation  
29 to regulate the use of radiation.

30 (2) Prohibit the repair of calibration of any test

1 equipment used by licensed medical physicists by any person  
2 otherwise allowed to do so under Federal or State law.

3 (3) Serve to limit radiological or imaging technologists  
4 or any individual otherwise authorized by law or regulation  
5 from performing quality control measurements or obtaining  
6 quality control data under the supervision of a licensed  
7 medical physicist.

8 (4) Serve to limit a service engineer in the repair of  
9 radiation-producing equipment or an installation engineer in  
10 the installation of radiation-producing equipment.

11 Section 49. Funding.

12 Funds necessary for the payment of costs associated with  
13 processing licenses and renewing licenses, for the operation of  
14 the board and for other costs associated with this act shall be  
15 transferred from the Professional Licensure Augmentation Account  
16 to the department. The transferred funds shall be repaid by the  
17 board to the account within three years of the beginning of  
18 issuance of licenses by the State Board of Medical Physicists.

19 Section 50. Regulations.

20 The board shall promulgate regulations to carry out this act.  
21 Publication of the final-form regulations under this section  
22 shall take place within 18 months of the effective date of this  
23 section. The board shall report, within 180 days of the  
24 effective date of this section, and every 30 days thereafter, on  
25 the status of the regulations to the Consumer Protection and  
26 Professional Licensure Committee of the Senate and the  
27 Professional Licensure Committee of the House of  
28 Representatives.

29 Section 51. Effective date.

30 This act shall take effect as follows:

1           (1) The following provisions shall take effect  
2 immediately:  
3           (i) Sections 3, 4 and 50.  
4           (ii) This section.  
5           (2) The remainder of this act shall take effect in two  
6 years.