
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1545 Session of
2017

INTRODUCED BY CUTLER, V. BROWN, MILLARD, PICKETT, WARD, DeLUCA,
WHEELAND AND ZIMMERMAN, JUNE 13, 2017

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 13, 2017

AN ACT

1 Amending Title 63 (Professions and Occupations (State Licensed))
2 of the Pennsylvania Consolidated Statutes, providing for
3 medical imaging and radiation therapy licensure; establishing
4 the Medical Imaging and Radiation Therapy Board of Examiners
5 and providing for its powers and duties; prescribing
6 penalties; making a transfer; and making related repeals.

7 The General Assembly finds and declares as follows:

8 (1) The citizens of this Commonwealth are entitled to
9 the maximum protections from the harmful effects of excessive
10 and improperly performed medical imaging or radiation therapy
11 procedures.

12 (2) Patient protection can be increased by requiring
13 appropriate education, training, examination and
14 certification for individuals operating medical imaging or
15 radiation therapy equipment and performing medical imaging or
16 radiation therapy procedures.

17 (3) It is necessary to establish licensure for health
18 care professionals operating medical imaging or radiation
19 therapy equipment and performing medical imaging or radiation
20 therapy procedures.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. Title 63 of the Pennsylvania Consolidated
4 Statutes is amended by adding a part to read:

5 PART II

6 LICENSING

7 Chapter

8 41. Medical Imaging and Radiation Therapy Licensure

9 CHAPTER 41

10 MEDICAL IMAGING AND RADIATION THERAPY LICENSURE

11 Sec.

12 4101. Scope of chapter.

13 4102. Definitions.

14 4103. Medical Imaging and Radiation Therapy Board of Examiners.

15 4104. License required.

16 4105. Scope of practice and limitations.

17 4106. Requirements for licensure.

18 4107. Nonconforming application.

19 4108. Examinations.

20 4109. Issuance of license, temporary license and display of
21 license.

22 4110. Educational program approval.

23 4111. License renewal.

24 4112. Reciprocity.

25 4113. Fees.

26 4114. Disciplinary authority.

27 4115. Violations.

28 4116. Injunctive relief.

29 4117. Civil penalties.

30 § 4101. Scope of chapter.

1 This chapter relates to medical imaging and radiation therapy
2 health and safety.

3 § 4102. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Accredited educational program." A program in medical
8 imaging or radiation therapy that is accredited by an
9 accrediting agency recognized and approved by the United States
10 Department of Education.

11 "Advanced diagnostic medical sonographer." A licensed
12 diagnostic medical sonographer who is licensed under this
13 chapter to perform advanced or expanded diagnostic medical
14 sonography procedures under the supervision of a physician
15 licensed in this Commonwealth.

16 "Board." The Medical Imaging and Radiation Therapy Board of
17 Examiners established under this chapter.

18 "Bone densitometry." The determination of bone mass by means
19 of the radiation absorption by a skeleton or part of a skeleton.

20 "Business entity." A corporation, partnership, association,
21 limited liability company or limited liability partnership.

22 "Certification organization." A national certification
23 organization that specializes in the certification and
24 registration of medical imaging or radiation therapy technical
25 personnel and is accredited by the National Commission for
26 Certifying Agencies, the American National Standards Institute,
27 the International Organization for Standardization or another
28 accreditation organization recognized by the board.

29 "Commissioner." The Commissioner of Professional and
30 Occupational Affairs.

1 "Computed tomography." The process of producing sectional
2 and three-dimensional images using external ionizing radiation
3 for diagnostic or therapeutic purposes.

4 "Diagnostic medical sonographer." An individual who is
5 licensed under this chapter to perform diagnostic medical
6 sonography procedures.

7 "Diagnostic medical sonography." The use of high-frequency
8 sound waves with specialized equipment to direct the sound waves
9 into an area of the human body to generate a diagnostic image
10 for diagnostic or therapeutic purposes.

11 "Fluoroscopy." The exposure of a patient to X-rays in a
12 fluoroscopy mode, including positioning the patient and
13 fluoroscopy equipment and the selection of exposure factors.

14 "Hybrid imaging." Medical imaging that combines more than
15 one medical imaging modality.

16 "Ionizing radiation." Radiation that may consist of alpha
17 particles, beta particles, gamma rays, X-rays, neutrons, high-
18 speed electrons, high-speed protons or other particles capable
19 of producing ions. The term does not include non-ionizing
20 radiation, such as high-frequency sound waves, magnetic fields,
21 microwaves, radiofrequency signals or visible, infrared or
22 ultraviolet light.

23 "License." Authorization from this Commonwealth to use
24 radioactive substances or equipment emitting high-frequency
25 sound waves, ionizing radiation, magnetic fields or
26 radiofrequency signals for medical imaging or radiation therapy
27 procedures on humans for diagnostic or therapeutic purposes in
28 accordance with this chapter and the regulations adopted by the
29 board.

30 "Licensed practitioner." An individual licensed to practice

1 medicine, dentistry, podiatry, chiropractic or osteopathy in
2 this Commonwealth.

3 "Licensee." An individual who is licensed under this chapter
4 to perform medical imaging or radiation therapy procedures and
5 operate medical imaging or radiation therapy equipment.

6 "Limited X-ray machine operator." An individual who is
7 licensed under this chapter to perform, under the supervision of
8 a radiographer or licensed practitioner, diagnostic radiography
9 or bone densitometry procedures using equipment that emits
10 external ionizing radiation resulting in diagnostic radiographic
11 images of selected specific parts of human anatomy or bone
12 density measurements.

13 "Magnetic resonance imaging." The creation or acquisition of
14 images generated by using radiofrequency signals within a
15 magnetic field for diagnostic or therapeutic purposes.

16 "Magnetic resonance technologist." A person who is licensed
17 under this chapter to perform magnetic resonance procedures
18 using magnetic fields and radiofrequency signals.

19 "Medical imaging." A modality used to produce images of the
20 internal structures of the human body for diagnostic,
21 interventional or therapeutic purposes through the use of
22 electromagnetic waves, sound waves, radio waves, magnetic fields
23 or radioactive materials.

24 "Mobile imaging." Any arrangement in which medical imaging
25 services are transported to various sites. The term does not
26 include movement within a hospital or movement to a site where
27 the equipment will be located permanently.

28 "Modality." Technologies used in the diagnosis or treatment
29 of disease or other medical conditions in human beings,
30 including:

- 1 (1) diagnostic medical sonography and its
2 specializations;
- 3 (2) magnetic resonance imaging and its specializations;
- 4 (3) nuclear medicine and its specializations;
- 5 (4) radiation therapy and its specializations; or
- 6 (5) radiography and its specializations.

7 "Nuclear medicine technologist." An individual who is
8 licensed under this chapter to perform nuclear medicine and
9 molecular imaging procedures using sealed and unsealed radiation
10 sources, ionizing and non-ionizing radiation, adjunctive
11 medicines and therapeutic procedures using unsealed radioactive
12 sources.

13 "Nuclear medicine technology." Medical imaging that uses in
14 vivo and in vitro administration, detection and measurement of
15 radionuclide radiation and adjunctive medications in the
16 diagnosis and treatment of disease.

17 "Physician assistant." An individual who is licensed in this
18 Commonwealth as a physician assistant under section 13 of the
19 act of December 20, 1985 (P.L.457, No.112), known as the Medical
20 Practice Act of 1985.

21 "Physician assistant-certified fluoroscopy operator" or "PA-C
22 fluoroscopy operator." A physician assistant who is licensed
23 under this chapter to perform fluoroscopy procedures.

24 "Public member." An individual who is a resident of this
25 Commonwealth but who is not any of the following:

- 26 (1) A licensed practitioner.
- 27 (2) An individual who performs medical imaging or
28 radiation therapy procedures under this chapter.
- 29 (3) Affiliated with a group or profession that provides
30 or regulates health care or that would hinder the public

1 member in representing the interest of the public.

2 "Radiation therapist." An individual who is licensed under
3 this chapter to perform procedures involving administration of
4 ionizing radiation to human beings for therapeutic purposes.

5 "Radiation therapy." The use of ionizing radiation for
6 treating disease.

7 "Radiographer." An individual who is licensed under this
8 chapter to perform diagnostic radiographic procedures using
9 external ionizing radiation to produce bone density measurements
10 or radiographic, fluoroscopic or digital images.

11 "Radiography." The process of obtaining an image using
12 external ionizing radiation for diagnostic or therapeutic
13 purposes.

14 "Radiologist." A physician licensed in this Commonwealth who
15 is board-eligible for certification or certified by the American
16 Board of Radiology, the American Osteopathic Board of Radiology,
17 the British Royal College of Radiology or the Royal College of
18 Physicians and Surgeons of Canada.

19 "Radiologist assistant." A licensed radiographer who is
20 licensed under this chapter to perform a variety of activities
21 under the supervision of a radiologist in the areas of patient
22 care, patient management and medical imaging procedures.

23 "Specialization." A medical specialty area or type of
24 equipment used within a medical imaging or radiation therapy
25 modality, which has a corresponding certification from a
26 certification organization recognized by the board.

27 "Temporary license." A license issued by the board
28 authorizing an individual to perform medical imaging or
29 radiation therapy while an application for a new license or
30 renewal of a license is pending before the board and when the

1 issuance may be justified by special circumstances as determined
2 by the board.

3 § 4103. Medical Imaging and Radiation Therapy Board of
4 Examiners.

5 (a) Establishment and composition.--The Medical Imaging and
6 Radiation Therapy Board of Examiners is established. Board
7 members shall be appointed by the Governor and shall serve at
8 the pleasure of the Governor. The initial board shall be
9 appointed within 90 days following the effective date of this
10 section. The members of the board shall include:

11 (1) One licensed diagnostic medical sonographer or
12 advanced diagnostic medical sonographer.

13 (2) One licensed radiologist assistant.

14 (3) One licensed magnetic resonance technologist.

15 (4) One licensed nuclear medicine technologist.

16 (5) One licensed practitioner who is a radiologist and
17 supervises medical imaging or radiation therapy
18 professionals.

19 (6) One licensed practitioner who is not a radiologist
20 and supervises medical imaging or radiation therapy
21 professionals.

22 (7) One licensed radiation therapist.

23 (8) One licensed radiographer.

24 (9) One public member.

25 (b) Qualifications for appointment.--In addition to the
26 requirements under subsection (a), the qualifications for
27 appointment to the board shall include:

28 (1) Each board member must be a resident of this
29 Commonwealth.

30 (2) The public member must be at least 21 years of age.

1 (3) Except for the public member and the licensed
2 practitioners, each board member must have at least two years
3 of experience performing medical imaging or radiation therapy
4 in the modality for which they are appointed.

5 (c) Educator appointment required.--At least one of the
6 board members appointed must be a full-time educator in an
7 accredited educational program in medical imaging or radiation
8 therapy.

9 (d) Terms of office.--The following shall apply:

10 (1) The terms of office shall be three years, except the
11 terms of the members appointed to the initial board which
12 shall be as follows:

13 (i) three members shall be appointed for a term of
14 one year;

15 (ii) three members shall be appointed for a term of
16 two years; and

17 (iii) three members shall be appointed for a term of
18 three years.

19 (2) Vacancies shall be filled for an unexpired term only
20 in the manner provided by the original appointment.

21 (3) A member shall not be eligible for appointment to
22 serve more than two consecutive terms.

23 (e) Temporary board exemption to license requirements.--An
24 individual who performs medical imaging or radiation therapy
25 procedures and is appointed to the initial board may not be
26 required to hold a valid license issued by the board until 12
27 months after the first issuance of a license by the board.

28 (f) Compensation and expenses.--Members of the board shall
29 be paid reasonable travel, hotel and other necessary expenses
30 and may be provided per diem compensation at the rate authorized

1 by the Commonwealth while performing the duties of the board.

2 (g) Secretary designation.--The commissioner shall designate
3 an officer or employee of this Commonwealth, who may not be a
4 member of the board, to act as secretary of the board. The
5 Bureau of Professional and Occupational Affairs shall furnish
6 staff, logistics, budget and other support to the board as
7 appropriate.

8 (h) Meetings.--The board shall meet at least annually in
9 person, at a time and place of the board's choosing. The first
10 meeting of the board shall be for organization only, during
11 which the board shall elect a chairperson and set forth
12 responsibilities and rules. The board may meet periodically by
13 telephone or other electronic communication method to conduct
14 the duties of the board as authorized by the laws of this
15 Commonwealth.

16 (i) Meeting attendance.--A member of the board who fails to
17 attend three meetings in an 18-month period shall forfeit the
18 member's seat unless the commissioner, upon written request from
19 the member, finds that the member should be excused from a
20 meeting because of illness or death of a family member.

21 (j) Quorum.--A majority of the voting members of the board
22 shall constitute a quorum. Action may not be taken by the board
23 except by affirmative vote of the majority of those present and
24 voting.

25 (k) Powers and duties.--The board shall have the following
26 powers and duties:

27 (1) Administer this chapter.

28 (2) Issue interpretations of this chapter.

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

1 (4) Promulgate regulations not inconsistent with the
2 laws of this Commonwealth that are necessary to carry out
3 this chapter.

4 (5) Authorize, by written agreement, the Bureau of
5 Professional and Occupational Affairs to act as the board's
6 agent in the board's interest.

7 (6) Set all fees and fines necessary to administer this
8 chapter.

9 (7) Set requirements for the issuance of a new license
10 and renewal or reinstatement of a license.

11 (8) Devise, contract or review and accept by regulation,
12 an examination for licensure to determine an applicant's
13 fitness to perform medical imaging or radiation therapy.

14 (9) Fine a licensee found to be in violation of this
15 chapter and recover costs and fees incurred in the
16 investigation of a licensee.

17 (10) Obtain restraining orders and injunctions
18 prohibiting conduct in violation of this chapter or
19 regulations adopted by the board, conduct investigations,
20 issue subpoenas, conduct hearings, appoint hearing officers,
21 examine witnesses and administer oaths concerning practices
22 that are alleged to violate this chapter or regulations
23 adopted by the board.

24 (11) Maintain a written record of all proceedings and
25 make an annual report of all board actions available to
26 licensees and other concerned parties.

27 (12) Develop standards and adopt regulations for the
28 improvement of the administration of medical imaging or
29 radiation therapy procedures in this Commonwealth. The board
30 may revise the licensing requirements of this chapter for

1 areas of this Commonwealth that the board deems too remote to
2 contain enough qualified licensees to perform medical imaging
3 or radiation therapy procedures on humans for diagnostic or
4 therapeutic purposes.

5 (13) Set requirements for continuing education as a
6 requirement for license renewal. The board may review and
7 accept the continuing education and recertification or
8 continuing competency requirements established by a medical
9 imaging or radiation therapy certification organization for
10 license renewal.

11 (14) Establish criteria and standards for educational
12 programs offered in this Commonwealth in medical imaging or
13 radiation therapy. The board may review and accept the
14 accreditation criteria and standards established by an
15 appropriate educational accreditation agency.

16 (15) Approve medical imaging or radiation therapy
17 educational programs that the board determines meet the
18 criteria and standards established by the board.

19 § 4104. License required.

20 (a) Requirement.--Except as provided under this section, on
21 and after January 1, 2019, only an individual currently licensed
22 under this chapter may perform or offer to perform medical
23 imaging or radiation therapy procedures on humans for diagnostic
24 or therapeutic purposes as defined in this chapter or otherwise
25 indicate or imply that the individual is licensed to perform
26 medical imaging or radiation therapy procedures unless that
27 individual is licensed.

28 (b) Regulation of medical imaging and radiation therapy.--
29 The board shall establish, or review and adopt by regulation,
30 the education, certification, continuing education, licensure

1 and scope of practice standards for an individual performing
2 diagnostic medical sonography, fluoroscopy operation, limited X-
3 ray machine operation, magnetic resonance imaging, nuclear
4 medicine technology, radiation therapy or radiography.

5 (c) Regulation of advanced diagnostic medical sonography.--
6 The board shall establish, or review and adopt by regulation,
7 the education, certification, continuing education, licensure
8 and scope of practice standards for an individual performing
9 advanced diagnostic medical sonography procedures under the
10 supervision of a physician.

11 (d) Regulation of radiologist assistant.--The board shall
12 establish, or review and adopt by regulation, the education,
13 certification, continuing education, licensure and scope of
14 practice standards for an individual performing radiologist
15 assistant duties under the supervision of a radiologist.

16 (e) License required for employment.--A person or business
17 entity may not knowingly employ an individual who does not hold
18 a license or is not exempt under this chapter to perform medical
19 imaging or radiation therapy procedures on humans for diagnostic
20 or therapeutic purposes.

21 (f) Limitation or enlargement of practice.--Nothing under
22 this chapter relating to medical imaging or radiation therapy
23 shall limit or enlarge the practice of a licensed practitioner.

24 (g) Exemptions.--This chapter shall not apply to the
25 following:

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

28 (2) A dental hygienist currently licensed by the
29 Commonwealth.

30 (3) A dental assistant currently licensed by the

1 Commonwealth.

2 (4) A resident physician or a student enrolled in and
3 attending a school or college of medicine, chiropractic,
4 podiatry, medical imaging or radiation therapy who performs
5 authorized medical imaging or radiation therapy procedures on
6 humans while under the supervision of a licensed practitioner
7 or supervision of an individual holding a license under this
8 chapter in the supervised modality.

9 (5) An individual who is employed by the Federal
10 Government to perform medical imaging or radiation therapy
11 procedures associated with that employment.

12 (6) An individual performing sonography procedures
13 within the individual's scope of practice that is used to
14 assess specific and limited information about a patient's
15 immediate medical condition, is limited to a focused imaging
16 target and does not generate a recorded diagnostic medical
17 image. A focused imaging target includes, but is not limited
18 to:

19 (i) assessment of fetal presentation or heartbeat;

20 (ii) assessment of fluid in a body cavity;

21 (iii) assessment of foreign body position or
22 location;

23 (iv) fetal monitoring during active labor; or

24 (v) identification of an anatomical landmark or
25 blood vessel for vascular access or administration of
26 anesthesia.

27 (7) An individual performing medical imaging or
28 radiation therapy procedures on non-human subjects or
29 cadavers.

30 § 4105. Scope of practice and limitations.

1 (a) Scope of practice--The board shall establish scope of
2 practice standards for each medical imaging and radiation
3 therapy modality. The board may review and adopt by regulation a
4 scope of practice from a certification organization or a
5 professional society or association.

6 (b) Computed tomography.--On and after October 1, 2025, a
7 licensee who performs computed tomography for diagnostic
8 purposes must be certified in computed tomography by the
9 American Registry of Radiologic Technologists, Nuclear Medicine
10 Technologist Certification Board or other certification
11 organization recognized by the board.

12 (c) Fluoroscopy.--An individual licensed to perform
13 radiography may perform fluoroscopy.

14 (d) PA-C fluoroscopy operator.--An individual licensed as a
15 PA-C fluoroscopy operator shall only perform fluoroscopy within
16 the scope of the license issued to the individual and shall not
17 perform computed tomography, diagnostic medical sonography,
18 magnetic resonance imaging, mammography, mobile imaging, nuclear
19 medicine technology, radiography or radiation therapy
20 procedures. A physician assistant acting within the physician
21 assistant's scope of practice and the authority delegated by the
22 physician assistant's supervising physician may make a
23 diagnostic interpretation of a fluoroscopic image within the
24 scope of the physician assistant's practice agreement.

25 (e) Limited X-ray machine operator.--An individual licensed
26 as a limited X-ray machine operator shall perform tasks or
27 procedures only within the scope of the specific permit issued
28 to the individual by the board for a particular area of the
29 human anatomy as provided under section 4106 (relating to
30 requirements for licensure) and may not perform procedures

1 involving the administration or utilization of contrast media or
2 perform computed tomography, diagnostic medical sonography,
3 fluoroscopy, magnetic resonance imaging, mammography, mobile
4 imaging, nuclear medicine technology or radiation therapy.

5 (f) Nuclear medicine technologist.--An individual licensed
6 to perform nuclear medicine technology may perform computed
7 tomography or magnetic resonance imaging for attenuation
8 correction on hybrid imaging equipment.

9 (g) Radiation therapist.--An individual licensed to perform
10 radiation therapy may perform computed tomography or magnetic
11 resonance imaging for treatment planning purposes.

12 (h) Use of medical imaging or radiation therapy
13 restricted.--A licensee may use radioactive substances or
14 equipment emitting ionizing radiation, high-frequency sound
15 waves or magnetic resonance and perform medical imaging and
16 radiation therapy procedures on humans for diagnostic or
17 therapeutic purposes only:

18 (1) With a valid prescription of a person authorized by
19 the Commonwealth to prescribe medical imaging or radiation
20 therapy procedures.

21 (2) Under the supervision of a licensed practitioner.

22 (3) Within the scope of the license as specified under
23 this chapter and under the regulations adopted by the board.
24 A licensee may only perform medical imaging or radiation
25 therapy procedures in a modality for which the licensee is
26 licensed.

27 (i) Prohibitions.--Except as provided under subsection (d),
28 a licensee may not make a diagnostic interpretation of an image,
29 make a diagnosis or prescribe a medication or therapy.

30 § 4106. Requirements for licensure.

1 (a) PA-C fluoroscopy operator license.--An applicant for a
2 PA-C fluoroscopy operator license shall be a physician assistant
3 licensed in this Commonwealth who has:

4 (1) Completed 40 hours of didactic education in
5 radiation safety, radiation protection, equipment operation,
6 image acquisition and patient positioning.

7 (2) Documented 40 hours of clinical education supervised
8 by a radiologist or licensed radiographer.

9 (3) Successfully completed the American Registry of
10 Radiologic Technologists fluoroscopy examination.

11 (b) Limited X-ray machine operator license.--A limited X-ray
12 machine operator license shall be limited in scope through the
13 issuance of permits to perform diagnostic X-rays on specific
14 anatomical areas of the human body. The following shall apply:

15 (1) The permits which may be issued are:

16 (i) Chest radiography permit. Radiography of the
17 thorax, heart and lungs.

18 (ii) Extremity radiography permit. Radiography of
19 the upper and lower extremities, including the pectoral
20 girdle.

21 (iii) Spine radiography permit. Radiography of the
22 vertebral column.

23 (iv) Skull/sinus radiography permit. Radiography of
24 the skull and facial structures.

25 (v) Podiatric permit. Radiography of the foot, ankle
26 and lower leg below the knee.

27 (vi) Bone densitometry permit. An individual who is
28 certified by the International Society for Clinical
29 Densitometry or the American Registry of Radiologic
30 Technologists in bone densitometry shall be granted a

1 permit to perform bone densitometry testing.

2 (2) To be eligible for licensure by the board as a
3 limited X-ray machine operator, an applicant shall submit the
4 application fee and meet the following requirements:

5 (i) Be at least 18 years of age at the time of the
6 application.

7 (ii) Have a high school diploma or have passed an
8 approved equivalency test.

9 (iii) Satisfactorily completed a course of study in
10 limited X-ray machine operation or its equivalent as
11 determined by the board. The curriculum for the course of
12 study shall be no less stringent than the standards
13 approved by the Joint Review Committee on Education in
14 Radiologic Technology or other appropriate educational
15 accreditation agency recognized by the board.

16 (3) Pass an examination approved by the board.

17 (c) Medical imaging or radiation therapy license.--An
18 individual seeking to obtain a license for a medical imaging or
19 radiation therapy modality shall comply with the following
20 requirements:

21 (1) Be at least 18 years of age at the time of
22 application.

23 (2) Have a high school diploma or passed an approved
24 equivalency test.

25 (3) Satisfactorily complete a course of study in
26 diagnostic medical sonography, magnetic resonance imaging,
27 nuclear medicine technology, radiation therapy or
28 radiography, or an equivalent to be determined by the board.

29 The following shall apply:

30 (i) The curriculum for each course of study shall be

1 no less stringent than the standards approved by the
2 Joint Review Committee on Education in Radiologic
3 Technology, Joint Review Committee on Education in
4 Nuclear Medicine Technology, Commission on Accreditation
5 of Allied Health Education Programs, regional accrediting
6 agencies or other appropriate educational accreditation
7 agency recognized by certification organizations.

8 (ii) An individual who holds a current certification
9 and registration by a certification organization
10 recognized by the board in a medical imaging or radiation
11 therapy modality or specialization shall be deemed to
12 have met the requirement of this paragraph for successful
13 completion of a course of study in the modality.

14 (4) Pass an applicable modality or specialization
15 examination administered by a certification organization
16 recognized by the board. An individual who holds a current
17 certification and registration in a medical imaging or
18 radiation therapy modality shall be deemed to have met the
19 requirements of this paragraph for successful completion of
20 an examination.

21 (d) Advanced diagnostic medical sonography license.--In
22 addition to the requirements of subsection (c):

23 (1) An individual seeking to obtain a license as an
24 advanced diagnostic medical sonographer shall:

25 (i) Hold a current license as a diagnostic medical
26 sonographer.

27 (ii) If a certification from a certification
28 organization recognized by the board is available, be
29 certified and registered by a certification organization
30 recognized by the board as an advanced diagnostic medical

1 sonographer or similar designation.

2 (iii) Submit to the board the clinical protocols to
3 be used by the individual, which shall specify procedures
4 that may be performed and levels of physician supervision
5 and shall be signed by the supervising physician. Updated
6 protocols shall be submitted biennially with license
7 renewal.

8 (2) An individual licensed as an advanced diagnostic
9 medical sonographer shall not make a diagnostic
10 interpretation of an image, make a diagnosis or prescribe a
11 medication or therapy.

12 (e) Radiologist assistant license.--In addition to the
13 requirements of subsection (c):

14 (1) An individual seeking to obtain a license as a
15 radiologist assistant shall:

16 (i) Hold a current license as a radiographer and be
17 currently certified and registered as a radiographer by
18 the American Registry of Radiologic Technologists.

19 (ii) Hold current certification and registration as
20 a radiologist assistant by the American Registry of
21 Radiologic Technologists or as a radiology practitioner
22 assistant by the Certification Board of Radiology
23 Practitioner Assistants.

24 (iii) Submit to the board clinical protocols signed
25 by the supervising radiologist specifying procedures that
26 are performed by the radiologist assistant, levels of
27 radiologist supervision and locations of practice
28 designated by the supervising radiologist. Updated
29 protocols shall be submitted biennially consistent with
30 license renewal. The radiologist assistant scope of

1 practice shall be consistent with the most recent version
2 of the Radiologist Assistant Practice Standards published
3 by the American Society of Radiologic Technologists.

4 (2) An individual licensed as a radiologist assistant
5 shall not interpret images, make diagnoses or prescribe
6 medications or therapies.

7 (f) Change of name or address.--An individual holding a
8 license or permit issued under this chapter shall notify the
9 board in writing within 90 days of a name or address change.

10 (g) Failure to maintain required certification and
11 registration.--Within 30 days, a licensee shall submit written
12 notification to the board if the licensee:

13 (1) fails to maintain a required certification and
14 registration by a certification organization; or

15 (2) is subject to any legal or disciplinary action other
16 than minor traffic infractions, or proceedings for acts or
17 conduct substantially the same as acts or conduct which would
18 constitute grounds for refusal to issue, refusal to renew,
19 suspension, revocation or other discipline of an applicant or
20 an individual holding a license or permit under this chapter
21 by any:

22 (i) licensing jurisdiction, whether in the United
23 States or foreign;

24 (ii) health care institution;

25 (iii) professional society or association;

26 (iv) certification organization;

27 (v) government agency;

28 (vi) law enforcement agency; or

29 (vii) court.

30 § 4107. Nonconforming application.

1 An individual who has been engaged in the practice of medical
2 imaging and radiation therapy, other than an advanced diagnostic
3 medical sonographer or radiologist assistant, and who does not
4 hold a current certification and registration by a certification
5 organization recognized by the board may continue to practice in
6 the medical imaging or radiation therapy modality in which they
7 are currently employed, if they:

8 (1) Register with the board on or before January 1,
9 2019.

10 (2) Do not change employment or the scope of their
11 current practice.

12 (3) Complete all continuing education requirements for
13 their modality or specialization biennially as prescribed by
14 the board.

15 (4) Practice only under the supervision of a licensed
16 practitioner.

17 (5) Meet all licensure requirements of this chapter and
18 the regulations adopted by the board and obtain a license
19 from the board on or before January 1, 2019.

20 § 4108. Examinations.

21 (a) Evidence of examination.--To meet the requirement of
22 examination under this chapter for advanced diagnostic medical
23 sonography, diagnostic medical sonography, magnetic resonance
24 imaging, nuclear medicine technology, radiation therapy,
25 radiography or radiologist assistant, the board shall accept
26 current certification and registration by a certification
27 organization recognized by the board in the applicant's or
28 licensee's modality.

29 (b) Limited X-ray machine operator examination.--The board
30 shall use a limited X-ray machine operator examination

1 administered by the American Registry of Radiologic
2 Technologists for individuals applying for a limited X-ray
3 machine operator license and permit in chest, extremity,
4 skull/sinus, podiatric or spine radiography. The board shall
5 determine by regulation the examination score that constitutes
6 successful completion.

7 (c) PA-C fluoroscopy operator examination.--The board shall
8 use a fluoroscopy examination administered by the American
9 Registry of Radiologic Technologists. The board shall determine
10 by regulation the examination score that constitutes successful
11 completion.

12 (d) Board administered examination.--If an examination for
13 limited X-ray machine or PA-C fluoroscopy operator is
14 administered by the board, the examination shall be given at
15 least twice each year and at a time and place and under
16 supervision as the board may require.

17 (e) Acceptance of chiropractic radiologic technologist
18 certification.--The board may accept certification and
19 registration from the American Chiropractic Registry of
20 Radiologic Technologists to meet the requirement of this section
21 for successful completion of an examination for an individual
22 applying for a limited X-ray machine operator license and permit
23 in spine radiography.

24 (f) Acceptance of podiatric medical assistant
25 certification.--The board may accept certification from the
26 American Society of Podiatric Medical Assistants to meet the
27 requirement of this section for successful completion of an
28 examination for an individual applying for a limited X-ray
29 machine operator license and permit in podiatric radiography.

30 (g) Acceptance of diagnostic medical sonography

1 certification.--The board shall accept diagnostic medical
2 sonography or advanced diagnostic medical sonography
3 certification and registration from the American Registry of
4 Radiologic Technologists, American Registry for Diagnostic
5 Medical Sonography, Cardiovascular Credentialing International
6 or another certification organization recognized by the board to
7 meet the examination requirement of this section.

8 (h) Acceptance of magnetic resonance certification.--The
9 board shall accept magnetic resonance certification and
10 registration from the American Registry of Radiologic
11 Technologists or another certification organization recognized
12 by the board to meet the examination requirement of this
13 section.

14 (i) Acceptance of nuclear medicine certification.--The board
15 shall accept nuclear medicine certification and registration
16 from the American Registry of Radiologic Technologists, Nuclear
17 Medicine Technologist Certification Board or other certification
18 organization recognized by the board to meet the examination
19 requirement of this section.

20 (j) Acceptance of radiation therapy certification.--The
21 board shall accept radiation therapy certification and
22 registration from the American Registry of Radiologic
23 Technologists or other certification organization recognized by
24 the board to meet the examination requirement of this section.

25 (k) Acceptance of radiographer certification.--The board
26 shall accept radiography certification and registration from the
27 American Registry of Radiologic Technologists or other
28 certification organization recognized by the board to meet the
29 examination requirements of this section.

30 § 4109. Issuance of license, temporary license and display of

1 license.

2 (a) Issuance of license.--The board shall issue a license to
3 an applicant who meets the requirements for licensure specified
4 in this chapter and the regulations adopted by the board,
5 verified by oath or affirmation, and upon payment of any
6 required fee. The board may issue a license with authorization
7 to perform more than one medical imaging or radiation therapy
8 modality if the person is qualified in each modality.

9 (b) Temporary license.--The board may issue a temporary
10 license to an individual whose license or license renewal may be
11 pending or when issuance is for providing medical imaging or
12 radiation therapy services to medically underserved areas as
13 determined by the board. The following shall apply:

14 (1) A temporary license shall be issued only if the
15 board finds that it will not violate the purpose of this
16 chapter or endanger the public health and safety.

17 (2) A temporary license in a modality shall be issued to
18 an applicant who is preparing for a certification examination
19 in the modality. The temporary license shall expire in 90
20 days. The temporary license may be reissued one time to a
21 person for an additional 90 days if the person completed but
22 did not pass a certification examination.

23 (c) Temporary license for cross-training.--Except for an
24 individual licensed as a limited X-ray machine operator or PA-C
25 fluoroscopy operator, an individual licensed under this chapter
26 may apply to the board for a temporary license in an additional
27 medical imaging or radiation therapy modality to complete
28 clinical experience requirements for an applicable training
29 pathway established by a certification organization recognized
30 by the board. Temporary licenses issued for training purposes

1 shall expire three years after issuance.

2 (d) Display of license.--Licenses shall be available upon
3 request. The copy of the current license of each licensee must
4 be maintained at the licensee's place of employment.

5 § 4110. Educational program approval.

6 (a) Educational program standards.--The board shall
7 establish, or review and adopt by regulation, standards for
8 medical imaging and radiation therapy educational programs. The
9 standards shall be no less stringent than the standards approved
10 by the Joint Review Committee on Education in Radiologic
11 Technology, Joint Review Committee on Education in Nuclear
12 Medicine Technology, Commission on Accreditation of Allied
13 Health Education Programs, regional accrediting agencies or
14 other appropriate educational accreditation agency recognized by
15 certification organizations.

16 (b) Educational program operation.--A program approved by
17 the board in diagnostic medical sonography, magnetic resonance
18 imaging, nuclear medicine technology, radiation therapy or
19 radiography shall be offered by a medical facility or
20 educational institution. The program shall be affiliated with
21 one or more hospitals or clinics approved by the board to
22 provide the requisite clinical education.

23 (c) Limited training program standards.--The board may
24 establish, or review and adopt by regulation, a course of study
25 for a PA-C fluoroscopy operator and limited X-ray machine
26 operator.

27 § 4111. License renewal.

28 (a) Term of license.--Except as otherwise provided, a
29 license issued under this chapter shall be renewed every two
30 years. The board may adjust the expiration date of a license by

1 up to six months to allow coordination with certification and
2 registration expiration dates. The license shall be renewed upon
3 the payment of a renewal fee, if at the time of application for
4 renewal, the applicant is not in violation of this chapter and
5 has complied with the regulations adopted by the board, verified
6 by oath or affirmation.

7 (b) Notification of expiration.--The board shall notify a
8 licensee at least 60 days in advance of the expiration of the
9 license.

10 (c) Failure to renew a license.--A licensee shall be
11 responsible for renewing a license before the expiration date. A
12 license that is not renewed before the expiration date shall
13 automatically lapse.

14 (d) Reinstatement fee.--The board may provide for the late
15 renewal of an automatically lapsed license or permit upon the
16 payment of a reinstatement fee. A license or permit that has
17 been expired for more than two years may not be reinstated
18 unless the applicant meets the reinstatement requirements of the
19 accrediting agency.

20 (e) Maintenance of certification and registration.--If
21 applicable, a licensee shall maintain current certification and
22 registration by the applicable certification organization
23 recognized by the board throughout the licensure period and
24 shall not be required to duplicate the continuing education
25 hours submitted to the certification organization.

26 (f) Evidence of compliance.--The board may require a
27 licensee to submit evidence of current certification and
28 registration by the applicable certification organization, which
29 shall be deemed equivalent to the continuing education
30 requirements established by the board to those provided in this

1 chapter and the regulations adopted by the board.

2 (g) Limited operator continuing education.--As a condition
3 of license renewal, an individual licensed as a PA-C fluoroscopy
4 operator or limited X-ray machine operator shall be required to
5 complete continuing education as required pursuant to the
6 regulations adopted by the board.

7 § 4112. Reciprocity.

8 The board may, upon application and payment of proper fees,
9 issue a license to an individual who has been licensed,
10 registered or certified to perform medical imaging or radiation
11 therapy procedures in another jurisdiction if that
12 jurisdiction's standards are substantially equivalent to those
13 provided in this chapter and the regulations adopted by the
14 board.

15 § 4113. Fees.

16 (a) Determination.--The board shall determine by regulation
17 all fees necessary for the administration of this chapter. Fees
18 shall be nonrefundable.

19 (b) Collection.--Fees shall be collected by the board
20 through the Bureau of Professional and Occupational Affairs and
21 shall be paid into the Professional Licensure Augmentation
22 Account for use in accordance with the act of July 1, 1978
23 (P.L.700, No.124), known as the Bureau of Professional and
24 Occupational Affairs Fee Act.

25 § 4114. Disciplinary authority.

26 (a) Disciplinary action.--The board may deny, suspend,
27 revoke or refuse to renew a license or impose probationary
28 conditions on a license if the licensee or applicant for a
29 license, renewal of a license or reinstatement of a license has
30 engaged in any of the following conduct:

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

3 (2) Unprofessional conduct pursuant to regulations
4 adopted by the board.

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

11 (4) An act or practice in violation of a provision of
12 this chapter or a regulation adopted by the board or aiding,
13 abetting or assisting any person in such a violation.

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

17 (6) Practicing as an individual licensed to perform
18 medical imaging or radiation therapy procedures without a
19 current license.

20 (7) Conduct that could result in harm or injury to the
21 public.

22 (8) Having a license issued under this chapter revoked
23 or suspended or other disciplinary action taken, whether in
24 this Commonwealth or another jurisdiction.

25 (9) Being unfit or incompetent to perform medical
26 imaging or radiation therapy procedures due to deliberate or
27 negligent acts or omissions, regardless of whether actual
28 injury to a patient is established.

29 (b) Reinstatement.--An application may be made to the board
30 for reinstatement of a revoked license if the revocation has

1 been in effect for at least two years after the date of the
2 board's order revoking the license.

3 § 4115. Violations.

4 A person who violates a provision of this chapter or the
5 regulations adopted by the board commits a misdemeanor of the
6 third degree. Each act of unlawful practice shall constitute a
7 distinct and separate offense.

8 § 4116. Injunctive relief.

9 The board may make application to an appropriate court for an
10 order enjoining violations of this chapter or the regulations
11 adopted by the board, and upon a showing by the board that a
12 person has violated or is about to violate this chapter or the
13 regulations adopted by the board, the court may grant an
14 injunction or restraining order or take other appropriate
15 action.

16 § 4117. Civil penalties.

17 (a) Authority.--The board may assess a civil penalty not in
18 excess of the amount allowable under State law for the violation
19 of any section of this chapter or the violation of any
20 regulations adopted by the board. The proceeds of any civil
21 penalty assessed under this section shall be paid into the
22 Professional Licensure Augmentation Account.

23 (b) Consideration factors.--Before imposing and assessing a
24 civil penalty, the board shall consider the following factors:

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

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

30 (3) Whether the violation was willful and malicious.

1 (4) Any other factors that would tend to mitigate or
2 aggravate the violations found to exist.

3 (c) Schedule.--The board shall establish a schedule of civil
4 penalties for violations of this chapter and the regulations
5 adopted by the board.

6 (d) Costs.--The board may assess the costs of disciplinary
7 actions against a person found to be in violation of this
8 chapter or the regulations adopted by the board.

9 Section 2. The sum of \$85,000, or as much of that amount as
10 may be necessary, is transferred from the Professional Licensure
11 Augmentation Account to the Department of State for the payment
12 of costs associated with processing licenses and renewing
13 licenses, for the operation of the Medical Imaging and Radiation
14 Therapy Board and for other costs associated with the addition
15 of 63 Pa.C.S. Ch. 41. The transfer shall be repaid by the board
16 within three years of the beginning of issuance of licenses by
17 the board.

18 Section 3. Repeals are as follows:

19 (1) The General Assembly declares that the repeals under
20 paragraphs (2) and (3) are necessary to effectuate the
21 addition of 63 Pa.C.S. Ch. 41.

22 (2) Section 16.4 of the act of October 5, 1978
23 (P.L.1109, No.261), known as the Osteopathic Medical Practice
24 Act.

25 (3) Section 45 of the act of December 20, 1985 (P.L.457,
26 No.112), known as the Medical Practice Act of 1985.

27 Section 4. This act shall take effect immediately.