
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1344 Session of
2017

INTRODUCED BY READSHAW, CALTAGIRONE, D. COSTA AND THOMAS,
MAY 5, 2017

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 5, 2017

AN ACT

1 Regulating medical physicists; establishing the State Board of
2 Medical Physicists; and providing for funds, for licensure,
3 for 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 TABLE OF CONTENTS

14 Section 1. Short title.
15 Section 2. Definitions.
16 Section 3. Board.
17 Section 4. Powers and duties of board.
18 Section 5. Qualification for licensure.
19 Section 6. Biennial renewal of license.

- 1 Section 7. Examinations.
- 2 Section 8. Reciprocity.
- 3 Section 9. Refusal, suspension and revocation of licenses.
- 4 Section 10. Reinstatement of license.
- 5 Section 11. Setting of fees and disposition of fees, fines and
- 6 civil penalties.
- 7 Section 12. Public access to list of licensees.
- 8 Section 13. Other professions.
- 9 Section 14. Unlawful practice.
- 10 Section 15. Violation of act.
- 11 Section 16. Preemption.
- 12 Section 17. Effect of licensure.
- 13 Section 18. Exemptions.
- 14 Section 19. Funding.
- 15 Section 20. Regulations.
- 16 Section 21. Effective date.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Short title.

20 This act shall be known and may be cited as the Medical
21 Physicists Act.

22 Section 2. Definitions.

23 The following words and phrases when used in this act shall
24 have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 "Account." The Professional Licensure Augmentation Account.

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

28 "Board." The State Board of Medical Physicists established
29 under this act.

30 "Bureau." The Bureau of Professional and Occupational

1 Affairs.

2 "Clinical." Activities directly relating to the treatment or
3 diagnosis of human ailments.

4 "Commissioner." The Commissioner of Professional and
5 Occupational Affairs.

6 "Conviction." A judgment of guilt, an admission of guilt or
7 a plea of nolo contendere.

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

9 "Diagnostic radiological physics." The branch of medical
10 physics relating to the diagnostic applications of x-rays, gamma
11 rays from sealed sources, ultrasonic radiation, radio frequency
12 radiation and magnetic fields; the equipment associated with
13 their production, use, measurement and evaluation; and the
14 quality of images resulting from their production and the use of
15 medical health physics associated with this subfield.

16 "License." A license to practice medical physics under this
17 act.

18 "Licensee." An individual who holds a license to practice
19 medical physics.

20 "Medical health physics." The branch of medical physics
21 pertaining to the safe use of x-rays, gamma rays, electron and
22 other charged particle beams or neutrons or radionuclides and of
23 radiation from sealed and unsealed radionuclide sources for
24 diagnostic and therapeutic purposes and the instrumentation
25 required to perform appropriate radiation surveys.

26 "Medical nuclear physics." The branch of medical physics
27 pertaining to the therapeutic and diagnostic applications of
28 radionuclides, except those used in sealed sources for
29 therapeutic purposes; the equipments associated with their
30 production, use, measurement and evaluation; and the quality of

1 the images resulting from their production and use and the
2 medical health physics associated with this subfield.

3 "Medical physics." The branch of physics that is associated
4 with the practice of medicine.

5 "Practice of medical physics." The use of principles and
6 accepted protocols of physics to provide the quality, quantity
7 and placement of radiation during the performance of a
8 radiological procedure.

9 "Radiation." Ionizing or nonionizing radiation above
10 background levels which is used to perform a diagnostic or
11 therapeutic medical or dental radiological procedure.

12 "Radiological physics." Diagnostic radiological physics,
13 therapeutic radiological physics or radiation oncology physics,
14 medical nuclear physics and medical health physics.

15 "Radiological procedure." A test, measurement, calculation
16 or radiation exposure used in the diagnosis or treatment of
17 disease or other medical or dental conditions in human beings
18 that includes therapeutic radiation, diagnostic radiation,
19 nuclear magnetic resonance or nuclear medicine procedures.

20 "Specialty" or "special area." The following branch or
21 branches of special competence within medical physics:
22 diagnostic radiological physics, medical health physics, medical
23 nuclear physics, radiation oncology physics and therapeutic
24 radiological physics.

25 "Therapeutic radiological physics" or "radiation oncology
26 physics." The branch of medical physics relating to the
27 therapeutic applications of x-rays, gamma rays, electron and
28 charged particle beams, neutrons and radiations from sealed
29 radionuclide sources; the equipment associated with their
30 production, use, measurement and evaluation; the quality of

1 images resulting from their production and use; and the medical
2 health physics associated with this subfield.

3 Section 3. Board.

4 (a) Establishment.--The State Board of Medical Physicists is
5 established as an administrative board within the department.

6 The board shall consist of 11 members who are citizens of the
7 United States and who have been residents of this Commonwealth
8 for at least a five-year period prior to the effective date of
9 this section. The board shall be composed of the following
10 individuals:

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

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

15 (i) Diagnostic radiological physics.

16 (ii) Therapeutic radiological or radiation oncology
17 physics.

18 (iii) Medical nuclear physics.

19 (iv) Medical health physics.

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

22 (i) Diagnostic radiology.

23 (ii) Radiation therapy or radiation oncology.

24 (iii) Nuclear medicine.

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

26 (5) The Attorney General or a designee.

27 (6) The commissioner or a designee.

28 (b) Term of office.--Except as provided in subsection (c),
29 the members of the board shall serve for four-year terms and
30 shall be appointed by the Governor by and with the advice and

1 consent of a majority of the members elected to the Senate.

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

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

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

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

1 (g) Compensation.--A member of the board, except the
2 commissioner, shall receive per diem compensation at the rate of
3 \$60 when actually attending to the work of the board. Members
4 shall also receive reasonable traveling, hotel and other
5 necessary expenses incurred in the performance of their duties
6 in accordance with regulations.

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

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

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

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

26 (l) Operating procedures.--The board shall meet within 30
27 days after the appointment of its initial members and shall
28 institute operating procedures and an application form for
29 licensing medical physicists. It shall be the responsibility of
30 the board to educate the public as to the requirements of

1 licensing in order to hold oneself out or to practice as a
2 licensed medical physicist within this Commonwealth.

3 Section 4. Powers and duties of board.

4 The board has the following powers and duties:

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

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

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

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

19 (5) To submit annually to the Appropriations Committee
20 of the Senate and the Appropriations Committee of the House
21 of Representatives, within 15 days after the Governor has
22 submitted a budget to the General Assembly, a copy of the
23 budget request for the upcoming fiscal year which the board
24 previously submitted to the department.

25 (6) To establish standards of eligibility for license
26 renewal. These standards shall include, but not be limited
27 to, the demonstration of satisfactory completion of
28 continuing education related to the practice of medical
29 physics in accordance with board regulations. No credit may
30 be given for courses in office management or practice

1 building. The board may waive all or part of the continuing
2 education requirement to a licensee who shows to the
3 satisfaction of the board that the licensee was unable to
4 complete the requirement due to illness, emergency or
5 hardship.

6 Section 5. Qualification for licensure.

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

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

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

14 (3) The applicant has passed an examination under
15 section 7.

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

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

25 (i) At least 10 years have elapsed from the date of
26 conviction.

27 (ii) The applicant satisfactorily demonstrates to
28 the board that the applicant has made significant
29 progress in personal rehabilitation since the conviction
30 and that licensure of the applicant should not be

1 expected to create a substantial risk of harm to the
2 health and safety of the applicant's clients or the
3 public or a substantial risk of further criminal
4 violations.

5 (iii) The applicant otherwise satisfies the
6 qualifications required under this act.

7 (b) Waiver of standardized examination.---

8 (1) The board may promulgate regulations that allow for
9 an individual to receive a license in a specialty without
10 taking the standardized examination so long as the
11 individual:

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

13 (ii) Has graduated from:

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

17 (B) an approved master's or doctoral degree
18 program and has a total of two years of full-time
19 work experience in the past seven years and one year
20 of full-time work experience in the past 10 years in
21 the specialty field.

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

24 (c) Temporary practice permit.--

25 (1) The board may issue a temporary practice permit to
26 an applicant before the applicant has received board
27 certification by a national certifying board in the field of
28 medical physics recognized by the board, or to an applicant
29 currently enrolled in an approved graduate or postgraduate
30 program for medical physics.

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

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

5 (ii) the date the applicant fails the licensing
6 examination.

7 (3) The board may issue a temporary practice permit to
8 an applicant licensed in a specialty of medical physics who
9 is in good standing for two years in another jurisdiction
10 that has licensing requirements that are substantially
11 equivalent to this act as determined by the board if the
12 applicant has also:

13 (i) Passed a national or other examination
14 recognized by the board relating to the specialty of
15 medical physics.

16 (ii) Is sponsored by a person licensed under this
17 act with whom the professional license holder will
18 practice during the time the applicant holds a temporary
19 license.

20 (4) The temporary practice permit shall only authorize
21 the holder to practice medical physics under the direct
22 supervision of a licensed medical physicist and only in the
23 specialty of the licensed medical physicist.

24 (5) Medical physics experience obtained in this
25 Commonwealth credited to the experience requirement for
26 licensure must be obtained under a temporary license.

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

29 Section 6. Biennial renewal of license.

30 (a) Duration of license.--A license shall be valid for two

1 years. The expiration date shall be established by regulation of
2 the board. Application for renewal of a license shall be
3 forwarded to an individual holding a current license prior to
4 the expiration date of the current renewal.

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

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

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

15 (c) Inactive status.--Any person licensed under this act may
16 request an application for inactive status. The application may
17 be completed and returned to the board. Upon receipt of each
18 application, the applicant shall be maintained on inactive
19 status without fee and shall be entitled to apply for an active
20 license at any time. An application to reactivate a license
21 which has been placed on inactive status for less than five
22 years shall be accompanied by a verification of nonpractice, the
23 renewal fee and documentation evidencing the satisfactory
24 completion of the continuing education requirement for the
25 preceding biennial period. Any person who requests an active
26 status license who has been on inactive status for a period of
27 five consecutive years or longer shall, prior to receiving an
28 active license, satisfy the requirements of the board's
29 regulations for ensuring continued competence and remit the
30 required fee. A person shall not be denied active status as a

1 result of any increased educational requirements for licensure
2 since the time he or she received his or her original license.

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

14 Section 7. Examinations.

15 The board shall require an applicant to have passed a
16 national or other examination in the field of medical physics
17 recognized by the board.

18 Section 8. Reciprocity.

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

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

29 (a) Grounds.--The board may refuse, suspend, revoke, limit
30 or restrict a license or discipline a licensee for any of the

1 following:

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

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

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

15 (4) Presenting false credentials or documents or making
16 a false statement of fact in support of the individual's
17 application for a license.

18 (5) Submitting a false or deceptive license renewal to
19 the board.

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

23 (7) Violating a regulation promulgated by the board or
24 violating an order of the board previously entered in a
25 disciplinary proceeding.

26 (8) Incompetence, negligence or misconduct in carrying
27 out the practice of medical physics.

28 (9) Practicing beyond the licensee's defined scope of
29 practice.

30 (10) Knowingly aiding, assisting, hiring or advising

1 someone in the unlawful practice of medical physics.

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

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

21 (1) Deny the application for a license.

22 (2) Administer a public reprimand.

23 (3) Revoke, suspend, limit or otherwise restrict a
24 license.

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

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

30 (6) Restore a suspended license and impose any

1 disciplinary or corrective measure which it might originally
2 have imposed.

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

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

1 board, but in no event longer than 180 days.

2 Section 10. Reinstatement of license.

3 Unless ordered to do so by a court of competent jurisdiction,
4 the board shall not reinstate a license which has been revoked.

5 An individual whose license has been revoked may reapply for a
6 license after a period of at least five years, except for a
7 period of at least 10 years if the license was revoked because
8 the license holder was convicted of a felony as described in
9 section 5(a)(5) and must meet all of the licensing requirements
10 of this act.

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

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

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

28 (c) Disposition of fees, fines and civil penalties.--All
29 fees, fines and civil penalties imposed in accordance with this
30 act shall be paid into the account.

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

5 Section 12. Public access to list of licensees.

6 The board shall maintain a current list of any person
7 licensed with the board. The list shall be posted on the board's
8 Internet website and shall be subject to the act of February 14,
9 2008 (P.L.6, No.3), known as the Right-to-Know Law.

10 Section 13. Other professions.

11 Nothing in this act shall be construed as preventing,
12 restricting or requiring licensure of any of the following
13 activities:

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

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

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

23 (i) conducting medical physics activities under the
24 supervision of:

25 (A) a licensee; or

26 (B) instructors or supervisors who meet the
27 licensing criteria of the Department of Education or
28 the board; and

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

1 Section 14. Unlawful practice.

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

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

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

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

17 (e) Injunction.--It shall be unlawful for any person to
18 practice or attempt to offer to practice medical physics as
19 defined in this act without having, at the time of so doing, a
20 valid, unexpired, unrevoked and unsuspended license issued under
21 this act. The unlawful practice may be enjoined by the courts on
22 petition of the board or the commissioner. In any such
23 proceeding, it shall not be necessary to show that any person is
24 individually injured by the actions complained of. If it is
25 determined that the respondent has engaged in the unlawful
26 practice, the court shall enjoin the respondent from so
27 practicing unless and until the respondent has been duly
28 licensed. Procedure in such cases shall be the same as in any
29 other injunction suit. The remedy by injunction hereby given is
30 in addition to any other civil or criminal prosecution and

1 punishment.

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

5 Section 15. Violation of act.

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

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

21 (1) A medical physicist who violates a provision of this
22 act.

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

25 (3) An individual who holds himself out as a licensee
26 without being properly licensed as provided in this act.

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

30 (c) Assessment of costs of investigation.--The board may

1 assess against the respondent in a disciplinary action under
2 this act, as part of the sanction, the cost of investigation
3 underlying that disciplinary action.

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

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

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

18 Section 18. Exemptions.

19 Nothing in this article shall be construed to:

20 (1) Affect, prevent or in any manner expand or limit the
21 authority of any person otherwise authorized by law or
22 regulation to practice any function of a medical physicist or
23 any department or agency authorized by law or regulation to
24 regulate the use of radiation.

25 (2) Prohibit the repair or calibration of any test
26 equipment used by licensed medical physicists by any person
27 otherwise allowed to do so under Federal or State law.

28 (3) Serve to limit radiological or imaging technologists
29 or any individual otherwise authorized by law or regulation
30 from performing quality control measurements or obtaining

1 quality control data under the supervision of a licensed
2 medical physicist.

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

6 Section 19. Funding.

7 Funds necessary for the payment of costs associated with
8 processing licenses and renewing licenses, for the operation of
9 the board and for other costs associated with this act shall be
10 transferred from the account to the department. The transferred
11 funds shall be repaid by the board to the account within three
12 years of the beginning of issuance of licenses by the board.

13 Section 20. Regulations.

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

23 Section 21. Effective date.

24 This act shall take effect as follows:

25 (1) The following provisions shall take effect
26 immediately:

27 (i) Sections 3, 4 and 20.

28 (ii) This section.

29 (2) The remainder of this act shall take effect in two
30 years.