AN ACT

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

The General Assembly finds and declares as follows:

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

2. Patient protection can be increased by requiring appropriate education, training, examination and certification for individuals operating medical imaging or radiation therapy equipment and performing medical imaging or radiation therapy procedures.

3. It is necessary to establish licensure for health care professionals operating medical imaging or radiation therapy equipment and performing medical imaging or radiation therapy procedures.
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

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

PART II

LICENSING

Chapter 41. Medical Imaging and Radiation Therapy Licensure

CHAPTER 41

MEDICAL IMAGING AND RADIATION THERAPY LICENSURE

Sec.

4101. Scope of chapter.

4102. Definitions.

4103. Medical Imaging and Radiation Therapy Board of Examiners.

4104. License required.

4105. Scope of practice and limitations.

4106. Requirements for licensure.

4107. Nonconforming application.

4108. Examinations.

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

4110. Educational program approval.

4111. License renewal.

4112. Reciprocity.

4113. Fees.

4114. Disciplinary authority.

4115. Violations.

4116. Injunctive relief.

4117. Civil penalties.

§ 4101. Scope of chapter.
This chapter relates to medical imaging and radiation therapy health and safety.

§ 4102. Definitions.

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

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

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

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

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

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

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

"Commissioner." The Commissioner of Professional and Occupational Affairs.
"Computed tomography." The process of producing sectional
and three-dimensional images using external ionizing radiation
for diagnostic or therapeutic purposes.

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

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

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

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

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

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

"Licensed practitioner." An individual licensed to practice
medicine, dentistry, podiatry, chiropractic or osteopathy in this Commonwealth.

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

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

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

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

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

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

"Modality." Technologies used in the diagnosis or treatment of disease or other medical conditions in human beings, including:
(1) diagnostic medical sonography and its specializations;
(2) magnetic resonance imaging and its specializations;
(3) nuclear medicine and its specializations;
(4) radiation therapy and its specializations; or
(5) radiography and its specializations.

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

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


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

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

(1) A licensed practitioner.
(2) An individual who performs medical imaging or radiation therapy procedures under this chapter.
(3) Affiliated with a group or profession that provides or regulates health care or that would hinder the public
member in representing the interest of the public.

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


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

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

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

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

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

"Temporary license." A license issued by the board authorizing an individual to perform medical imaging or radiation therapy while an application for a new license or renewal of a license is pending before the board and when the
issuance may be justified by special circumstances as determined by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Compensation and expenses.--Members of the board shall be paid reasonable travel, hotel and other necessary expenses and may be provided per diem compensation at the rate authorized.
by the Commonwealth while performing the duties of the board.

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

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

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

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

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

(1) Administer this chapter.

(2) Issue interpretations of this chapter.

(3) Establish the scope of practice for each license or
permit type issued by the board.
(4) Promulgate regulations not inconsistent with the laws of this Commonwealth that are necessary to carry out this chapter.

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

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

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

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

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

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

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

(12) Develop standards and adopt regulations for the improvement of the administration of medical imaging or radiation therapy procedures in this Commonwealth. The board may revise the licensing requirements of this chapter for
areas of this Commonwealth that the board deems too remote to contain enough qualified licensees to perform medical imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes.

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

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

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

§ 4104. License required.

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

(b) Regulation of medical imaging and radiation therapy.--The board shall establish, or review and adopt by regulation, the education, certification, continuing education, licensure
and scope of practice standards for an individual performing
diagnostic medical sonography, fluoroscopy operation, limited X-ray
machine operation, magnetic resonance imaging, nuclear medicine
technology, radiation therapy or radiography.

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

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

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

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

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

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

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

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

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

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

   (i) assessment of fetal presentation or heartbeat;

   (ii) assessment of fluid in a body cavity;

   (iii) assessment of foreign body position or location;

   (iv) fetal monitoring during active labor; or

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

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

§ 4105. Scope of practice and limitations.
(a) Scope of practice--The board shall establish scope of practice standards for each medical imaging and radiation therapy modality. The board may review and adopt by regulation a scope of practice from a certification organization or a professional society or association.

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

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

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

(e) Limited X-ray machine operator.--An individual licensed as a limited X-ray machine operator shall perform tasks or procedures only within the scope of the specific permit issued to the individual by the board for a particular area of the human anatomy as provided under section 4106 (relating to requirements for licensure) and may not perform procedures.
involving the administration or utilization of contrast media or perform computed tomography, diagnostic medical sonography, fluoroscopy, magnetic resonance imaging, mammography, mobile imaging, nuclear medicine technology or radiation therapy.

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

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

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

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

   (2) Under the supervision of a licensed practitioner.

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

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

§ 4106. Requirements for licensure.
(a) PA-C fluoroscopy operator license.--An applicant for a PA-C fluoroscopy operator license shall be a physician assistant licensed in this Commonwealth who has:

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

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

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

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

(1) The permits which may be issued are:

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

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

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

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

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

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

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

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

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

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

(3) Pass an examination approved by the board.

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

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

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

(3) Satisfactorily complete a course of study in
diagnostic medical sonography, magnetic resonance imaging,
nuclear medicine technology, radiation therapy or
radiography, or an equivalent to be determined by the board.
The following shall apply:

(i) The curriculum for each course of study shall be
no less stringent than the standards approved by the
Joint Review Committee on Education in Radiologic
Technology, Joint Review Committee on Education in
Nuclear Medicine Technology, Commission on Accreditation
of Allied Health Education Programs, regional accrediting
agencies or other appropriate educational accreditation
agency recognized by certification organizations.

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

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

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

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

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

(ii) If a certification from a certification
organization recognized by the board is available, be
certified and registered by a certification organization
recognized by the board as an advanced diagnostic medical
sonographer or similar designation.

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) health care institution;

(iii) professional society or association;

(iv) certification organization;

(v) government agency;

(vi) law enforcement agency; or

(vii) court.

§ 4107. Nonconforming application.
An individual who has been engaged in the practice of medical imaging and radiation therapy, other than an advanced diagnostic medical sonographer or radiologist assistant, and who does not hold a current certification and registration by a certification organization recognized by the board may continue to practice in the medical imaging or radiation therapy modality in which they are currently employed, if they:

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

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

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

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

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

§ 4108. Examinations.

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

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

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

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

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

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

(g) Acceptance of diagnostic medical sonography
certification.--The board shall accept diagnostic medical sonography or advanced diagnostic medical sonography certification and registration from the American Registry of Radiologic Technologists, American Registry for Diagnostic Medical Sonography, Cardiovascular Credentialing International or another certification organization recognized by the board to meet the examination requirement of this section.

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

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

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

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

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

20170HB1545PN2001
license.

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

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

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

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

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

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

§ 4110. Educational program approval.

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

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

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

§ 4111. License renewal.

(a) Term of license.--Except as otherwise provided, a license issued under this chapter shall be renewed every two years. The board may adjust the expiration date of a license by
up to six months to allow coordination with certification and registration expiration dates. The license shall be renewed upon the payment of a renewal fee, if at the time of application for renewal, the applicant is not in violation of this chapter and has complied with the regulations adopted by the board, verified by oath or affirmation.

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

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

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

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

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

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

§ 4112. Reciprocity.

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

§ 4113. Fees.

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

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

§ 4114. Disciplinary authority.

(a) Disciplinary action.--The board may deny, suspend, revoke or refuse to renew a license or impose probationary conditions on a license if the licensee or applicant for a license, renewal of a license or reinstatement of a license has engaged in any of the following conduct:
(1) Obtaining a license by means of fraud, misrepresentation or concealment of material facts.
(2) Unprofessional conduct pursuant to regulations adopted by the board.
(3) Having been convicted of or pleaded guilty or nolo contendere to a crime involving moral turpitude or a crime that indicates that the licensee or applicant is unfit or incompetent to perform medical imaging or radiation therapy procedures or that the licensee or applicant has deceived or defrauded the public.
(4) An act or practice in violation of a provision of this chapter or a regulation adopted by the board or aiding, abetting or assisting any person in such a violation.
(5) Committing an act of malpractice, gross negligence or incompetence in performing medical imaging or radiation therapy procedures.
(6) Practicing as an individual licensed to perform medical imaging or radiation therapy procedures without a current license.
(7) Conduct that could result in harm or injury to the public.
(8) Having a license issued under this chapter revoked or suspended or other disciplinary action taken, whether in this Commonwealth or another jurisdiction.
(9) Being unfit or incompetent to perform medical imaging or radiation therapy procedures due to deliberate or negligent acts or omissions, regardless of whether actual injury to a patient is established.

(b) Reinstatement.--An application may be made to the board for reinstatement of a revoked license if the revocation has
§ 4115. Violations.

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

§ 4116. Injunctive relief.

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

§ 4117. Civil penalties.

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

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

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

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

(3) Whether the violation was willful and malicious.
(4) Any other factors that would tend to mitigate or aggravate the violations found to exist.

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

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

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

Section 3. Repeals are as follows:

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

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


Section 4. This act shall take effect immediately.