
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 31 Session of
2019

INTRODUCED BY READSHAW, CALTAGIRONE, YOUNGBLOOD, DeLUCA, DEASY,
MULLINS, HILL-EVANS AND KORTZ, JANUARY 28, 2019

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
JANUARY 28, 2019

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.

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26 MISCELLANEOUS PROVISIONS

27 Section 2101. Effective date.

28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

30 CHAPTER 1

PRELIMINARY PROVISIONS

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Section 101. Short title.

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

Section 102. Definitions.

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

"Account." The Professional Licensure Augmentation Account.

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

"Board." The State Board of Medical Physicists established under section 301(a).

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

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

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

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

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

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

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

1 "Medical health physics." The branch of medical physics
2 pertaining to the safe use of x-rays, gamma rays, electron and
3 other charged particle beams or neutrons or radionuclides and of
4 radiation from sealed and unsealed radionuclide sources for
5 diagnostic and therapeutic purposes and the instrumentation
6 required to perform appropriate radiation surveys.

7 "Medical nuclear physics." The branch of medical physics
8 pertaining to the therapeutic and diagnostic applications of
9 radionuclides, except those used in sealed sources for
10 therapeutic purposes; the equipment associated with their
11 production, use, measurement and evaluation; and the quality of
12 the images resulting from their production and use and the
13 medical health physics associated with this subfield.

14 "Medical physics." The branch of physics that is associated
15 with the practice of medicine.

16 "Practice of medical physics." The use of principles and
17 accepted protocols of physics to provide the quality, quantity
18 and placement of radiation during the performance of a
19 radiological procedure.

20 "Radiation." Ionizing or nonionizing radiation above
21 background levels which is used to perform a diagnostic or
22 therapeutic medical or dental radiological procedure.

23 "Radiological physics." Diagnostic radiological physics,
24 therapeutic radiological or radiation oncology physics, medical
25 nuclear physics and medical health physics.

26 "Radiological procedure." A test, measurement, calculation
27 or radiation exposure used in the diagnosis or treatment of
28 disease or other medical or dental conditions in human beings
29 that includes therapeutic radiation, diagnostic radiation,
30 nuclear magnetic resonance or nuclear medicine procedures.

1 "Specialty." The following branches of special competence
2 within medical physics:

- 3 (1) Diagnostic radiological physics.
- 4 (2) Medical health physics.
- 5 (3) Medical nuclear physics.
- 6 (4) Therapeutic radiological or radiation oncology physics.

7 "Therapeutic radiological or radiation oncology physics."

8 The branch of medical physics relating to the therapeutic
9 applications of x-rays, gamma rays, electron and charged
10 particle beams, neutrons and radiations from sealed radionuclide
11 sources; the equipment associated with their production, use,
12 measurement and evaluation; the quality of images resulting from
13 their production and use; and the medical health physics
14 associated with this subfield.

15 CHAPTER 3

16 BOARD

17 Section 301. Board.

18 (a) Establishment.--The State Board of Medical Physicists is
19 established as an administrative board within the department.
20 The board shall consist of 11 members who are citizens of the
21 United States and who have been residents of this Commonwealth
22 for at least a five-year period prior to the effective date of
23 this section. The board shall be composed of the following
24 individuals:

- 25 (1) One member who is a member of the public.
- 26 (2) Four members who meet the educational and experience
27 qualifications for licensure under section 501. One member
28 shall be from each of the following specialties:
 - 29 (i) Diagnostic radiological physics.
 - 30 (ii) Therapeutic radiological or radiation oncology

1 physics.

2 (iii) Medical nuclear physics.

3 (iv) Medical health physics.

4 (3) Three members shall be licensed physicians
5 representing each of the following specialties:

6 (i) Diagnostic radiology.

7 (ii) Radiation therapy or radiation oncology.

8 (iii) Nuclear medicine.

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

10 (5) The Attorney General or a designee.

11 (6) The commissioner or a designee.

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

16 (c) Initial appointments.--Within 180 days of the effective
17 date of this section, the Governor shall nominate two
18 professional members to serve four-year terms, one public member
19 and one professional member to serve three-year terms, two
20 professional members to serve two-year terms and two
21 professional members to serve one-year terms. A professional
22 member initially appointed to the board need not be licensed by
23 the Commonwealth at the time of appointment, but at the time of
24 appointment must have satisfied the eligibility requirements for
25 licensure and must have practiced medical physics for five
26 consecutive years or more immediately preceding the appointment.

27 (d) Continuation in office.--Each board member shall
28 continue in office until a successor is appointed and qualified
29 but no longer than six months after the expiration of the term.
30 If a board member shall die, resign or otherwise become

1 disqualified during the term of office, a successor shall be
2 appointed in the same way and with the same qualifications as
3 set forth in this section and shall hold office for the
4 unexpired portion of the term.

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

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

14 (g) Compensation.--A member of the board, except the
15 commissioner, shall receive per diem compensation at the rate of
16 \$60 when actually attending to the work of the board. Members
17 shall also receive reasonable traveling, hotel and other
18 necessary expenses incurred in the performance of their duties
19 in accordance with regulations.

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

28 (i) Quorum.--A majority of the members of the board shall
29 constitute a quorum for the purposes of conducting the business
30 of the board. Except for temporary and automatic suspensions

1 under section 701(d), a member may not be counted as part of a
2 quorum or vote on any issue unless the member is physically in
3 attendance at the meeting.

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

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

9 (l) Operating procedures.--The board shall meet within 30
10 days after the appointment of its initial members and shall
11 institute operating procedures and an application form for
12 licensing medical physicists. The board shall educate the public
13 as to the requirements of licensing in order to hold oneself out
14 or to practice as a licensed medical physicist within this
15 Commonwealth.

16 Section 302. Powers and duties of board.

17 The board has the following powers and duties:

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

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

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

25 (4) To submit annually a report to the Consumer
26 Protection and Professional Licensure Committee of the Senate
27 and the Professional Licensure Committee of the House of
28 Representatives containing a description of the types of
29 complaints received, status of the cases, board action which
30 has been taken and length of time from the initial complaint

1 to final board resolution.

2 (5) To submit annually to the Appropriations Committee
3 of the Senate and the Appropriations Committee of the House
4 of Representatives, within 15 days after the Governor has
5 submitted a budget to the General Assembly, a copy of the
6 budget request for the upcoming fiscal year which the board
7 previously submitted to the department.

8 (6) To establish standards of eligibility for license
9 renewal. These standards shall include, but not be limited
10 to, the demonstration of satisfactory completion of
11 continuing education related to the practice of medical
12 physics in accordance with board regulations. No credit may
13 be given for courses in office management or practice
14 building. The board may waive all or part of the continuing
15 education requirement for a licensee who shows to the
16 satisfaction of the board that the licensee was unable to
17 complete the requirement due to illness, emergency or
18 hardship.

19 CHAPTER 5

20 LICENSURE

21 Section 501. Qualification for licensure.

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

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

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

29 (3) The applicant has passed an examination under
30 section 503.

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

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

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

12 (ii) The applicant satisfactorily demonstrates to
13 the board that the applicant has made significant
14 progress in personal rehabilitation since the conviction
15 and that licensure of the applicant should not be
16 expected to create a substantial risk of harm to the
17 health and safety of the applicant's clients or the
18 public or a substantial risk of further criminal
19 violations.

20 (iii) The applicant otherwise satisfies the
21 qualifications required under this act.

22 (b) Waiver of standardized examination.--

23 (1) The board may promulgate regulations that allow for
24 an individual to receive a license in a specialty without
25 taking the standardized examination so long as the
26 individual:

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

28 (ii) Has graduated from:

29 (A) an approved bachelor's degree program and
30 has a total of 15 years of full-time work experience

1 in the specialty field; or

2 (B) an approved master's or doctoral degree
3 program and has a total of two years of full-time
4 work experience in the past seven years and one year
5 of full-time work experience in the past 10 years in
6 the specialty field.

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

9 (c) Temporary practice permit.--

10 (1) The board may issue a temporary practice permit to
11 an applicant before the applicant has received board
12 certification by a national certifying board in the field of
13 medical physics recognized by the board or to an applicant
14 currently enrolled in an approved graduate or postgraduate
15 program for medical physics.

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

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

20 (ii) the date the applicant fails the licensing
21 examination.

22 (3) The board may issue a temporary practice permit to
23 an applicant licensed in a specialty of medical physics who
24 is in good standing for two years in another jurisdiction
25 that has licensing requirements that are substantially
26 equivalent to the requirements of this act, as determined by
27 the board, if the applicant has also:

28 (i) Passed a national or other examination
29 recognized by the board relating to the specialty of
30 medical physics.

1 (ii) Is sponsored by a person licensed under this
2 act with whom the professional license holder will
3 practice during the time the applicant holds a temporary
4 license.

5 (4) The temporary practice permit shall only authorize
6 the holder to practice medical physics under the direct
7 supervision of a licensed medical physicist and only in the
8 specialty of the licensed medical physicist.

9 (5) Medical physics experience obtained in this
10 Commonwealth credited to the experience requirement for
11 licensure must be obtained under a temporary license.

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

14 Section 502. Biennial renewal of license.

15 (a) Duration of license.--A license shall be valid for two
16 years. The expiration date shall be established by regulation of
17 the board. Application for renewal of a license shall be
18 forwarded to an individual holding a current license prior to
19 the expiration date of the current renewal.

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

22 (1) File a renewal application with the board which
23 includes certification of successful completion of continuing
24 education in the field of medical physics during the
25 immediately preceding two years as required by the board.
26 Certification of continuing education credit hours submitted
27 by the medical physicist shall be properly signed by the
28 medical physicist as being correct and true.

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

30 (c) Inactive status.--Any person licensed under this act may

1 request an application for inactive status. The application may
2 be completed and returned to the board. Upon receipt of each
3 application, the applicant shall be maintained on inactive
4 status without fee and shall be entitled to apply for an active
5 license at any time. An application to reactivate a license
6 which has been placed on inactive status for less than five
7 years shall be accompanied by a verification of nonpractice, the
8 renewal fee and documentation evidencing the satisfactory
9 completion of the continuing education requirement for the
10 preceding biennial period. Any person who requests an active
11 status license who has been on inactive status for a period of
12 five consecutive years or longer shall, prior to receiving an
13 active license, satisfy the requirements of the board's
14 regulations for ensuring continued competence and remit the
15 required fee. A person shall not be denied active status as a
16 result of any increased educational requirements for licensure
17 since the time the person received the original license.

18 (d) Reporting of multiple licensure.--A licensee who is
19 licensed to practice medical physics in another jurisdiction
20 shall report this information to the board on the license
21 renewal application. Any disciplinary action taken in another
22 jurisdiction shall be reported to the board on the license
23 renewal application or within 90 days of final disposition,
24 whichever is sooner. Multiple licensure in other states shall be
25 noted by the board on the licensee's record, and the other
26 licensing jurisdiction shall be notified by the board of any
27 disciplinary actions taken against the licensee in this
28 Commonwealth.

29 Section 503. Examinations.

30 The board shall require an applicant to have passed a

1 national or other examination in the field of medical physics
2 recognized by the board.

3 Section 504. Reciprocity.

4 The board has the power to grant a reciprocal license without
5 further examination to an applicant who is licensed or certified
6 as a medical physicist or similar practice in another state and
7 has demonstrated qualifications which equal or exceed those
8 required under this act in the determination of the board. No
9 license shall be granted under this section to an applicant
10 unless the state in which the applicant is licensed affords
11 reciprocal treatment to individuals who are residents of this
12 Commonwealth and who are licensed under this act.

13 CHAPTER 7

14 ENFORCEMENT AND ADMINISTRATION

15 Section 701. Refusal, suspension and revocation of licenses.

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

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

23 (2) Being found to have engaged in immoral or
24 unprofessional conduct. In proceedings based on this
25 paragraph, actual injury to the client need not be
26 established. As used in this paragraph, the term
27 "unprofessional conduct" includes a departure from or failure
28 to conform to the standards of acceptable and prevailing
29 practice.

30 (3) Violating standards of professional practice or

1 conduct as established by board regulation.

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

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

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

10 (7) Violating a regulation promulgated by the board or
11 violating an order of the board previously entered in a
12 disciplinary proceeding.

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

15 (9) Practicing beyond the licensee's defined scope of
16 practice.

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

19 (11) Being unable to practice with reasonable skill and
20 safety by reason of illness, drunkenness, use of drugs,
21 narcotics, chemicals or any other type of material or as a
22 result of any mental or physical condition. In enforcing this
23 paragraph, the board, upon probable cause, has authority to
24 compel a licensee to submit to a mental or physical
25 examination by a physician approved by the board. Failure of
26 a licensee to submit to an examination when directed by the
27 board, unless the failure is due to circumstances beyond the
28 licensee's control, may result in a default and final order
29 entered against the licensee without the taking of testimony
30 or presentation of evidence. A licensee affected under this

1 paragraph shall be afforded an opportunity to demonstrate
2 that the licensee can resume competent practice with
3 reasonable skill and safety.

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

8 (1) Deny the application for a license.

9 (2) Administer a public reprimand.

10 (3) Revoke, suspend, limit or otherwise restrict a
11 license.

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

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

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

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

25 (d) Temporary and automatic suspension.--A license issued
26 under this act shall be temporarily suspended under
27 circumstances determined by the board to be an immediate and
28 clear danger to the public health and safety. The board shall
29 issue an order to that effect without a hearing, but upon due
30 notice, to the licensee concerned at the licensee's last known

1 address, which shall include a written statement of all
2 allegations against the licensee. The provisions of subsection
3 (c) shall not apply to temporary suspension. The board shall
4 thereupon commence formal action to suspend, revoke or restrict
5 the license of the person concerned as otherwise provided for in
6 this act. All actions shall be taken promptly and without delay.
7 Within 30 days following the issuance of an order temporarily
8 suspending a license, the board shall conduct or cause to be
9 conducted a preliminary hearing to determine that there is a
10 prima facie case supporting the suspension. The licensee whose
11 license has been temporarily suspended may be present at the
12 preliminary hearing and may be represented by counsel, cross-
13 examine witnesses, inspect physical evidence, call witnesses,
14 offer evidence and testimony and make a record of the
15 proceedings. If it is determined that there is not a prima facie
16 case, the suspended license shall be immediately restored. The
17 temporary suspension shall remain in effect until vacated by the
18 board, but in no event longer than 180 days.

19 Section 702. Reinstatement of license.

20 (a) General rule.--Unless ordered to do so by a court of
21 competent jurisdiction, the board shall not reinstate a license
22 which has been revoked. An individual whose license has been
23 revoked may reapply for a license:

24 (1) After a period of at least five years, except as
25 provided under paragraph (2).

26 (2) After a period of at least 10 years if the license
27 was revoked because the license holder was convicted of a
28 felony as described in section 501(a)(5).

29 (b) Requirements.--An individual who reapplies for licensure
30 must meet all of the licensing requirements of this act.

1 Section 703. Setting of fees and disposition of fees, fines and
2 civil penalties.

3 (a) Setting of fees.--All fees required under this act shall
4 be fixed by the board by regulation and shall be subject to the
5 act of June 25, 1982 (P.L.633, No.181), known as the Regulatory
6 Review Act. If the revenues raised by the fees, fines and civil
7 penalties imposed under this act are not sufficient to meet
8 expenditures over a two-year period, the board shall increase
9 those fees by regulation so that projected revenues will meet or
10 exceed projected expenditures.

11 (b) Fee increase.--If the bureau determines that the fees
12 established by the board under subsection (a) are inadequate to
13 meet the minimum enforcement efforts required by this act, then
14 the bureau, after consultation with the board and subject to the
15 Regulatory Review Act, shall increase the fees by regulation in
16 an amount that adequate revenues are raised to meet the required
17 enforcement effort.

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

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

25 Section 704. Public access to list of licensees.

26 The board shall maintain a current list of any person
27 licensed with the board. The list shall be posted on the board's
28 Internet website and shall be subject to the act of February 14,
29 2008 (P.L.6, No.3), known as the Right-to-Know Law.

30 Section 705. Other professions.

1 Nothing in this act shall be construed as preventing,
2 restricting or requiring licensure of any of the following
3 activities:

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

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

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

13 (i) conducting medical physics activities under the
14 supervision of:

15 (A) a licensee; or

16 (B) instructors or supervisors who meet the
17 licensing criteria of the Department of Education or
18 the board; and

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

21 Section 706. Unlawful practice.

22 (a) General rule.--Except as set forth in sections 705(1)
23 and (2), an individual may not practice medical physics or hold
24 oneself out as a medical physicist unless licensed by the board.

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

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

30 (d) Terminology.--Except as set forth in section 705(1), a

1 business entity may not utilize in connection with a business
2 name or activity any derivative of the terms and their related
3 abbreviations which implies directly or indirectly that medical
4 physics services are being provided, unless services of the
5 business are provided by licensees. The board shall promulgate
6 regulations to carry out this subsection.

7 (e) Injunction.--It shall be unlawful for any person to
8 practice or attempt to offer to practice medical physics as
9 defined in this act without having, at the time of so doing, a
10 valid, unexpired, unrevoked and unsuspended license issued under
11 this act. The unlawful practice may be enjoined by the courts on
12 petition of the board or the commissioner. In the court
13 proceeding, it shall not be necessary to show that any person is
14 individually injured by the actions forming the basis of the
15 complaint. If it is determined that the respondent has engaged
16 in the unlawful practice, the court shall enjoin the respondent
17 from so practicing unless and until the respondent has been duly
18 licensed. Procedure in such cases shall be the same as in any
19 other injunction suit.

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

23 Section 707. Violation of act.

24 (a) General rule.--Notwithstanding any law to the contrary,
25 a person that violates a provision of this act commits a
26 misdemeanor of the third degree and shall, upon conviction, be
27 sentenced to pay a fine of not more than \$1,000 or to
28 imprisonment for not more than six months for the first
29 violation and to pay a fine of not more than \$2,000 or to
30 imprisonment for not less than six months nor more than one

1 year, or both, for each subsequent violation.

2 (b) Civil penalty.--In addition to any other civil remedy or
3 criminal penalty provided for in this act, the board, by a vote
4 of the majority of the maximum number of the authorized
5 membership of the board or by a vote of the majority of the
6 qualified and confirmed membership or a minimum of five members,
7 whichever is greater, may levy a civil penalty of up to \$10,000
8 on any of the following:

9 (1) A medical physicist who violates a provision of this
10 act.

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

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

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

18 (c) Assessment of costs of investigation.--The board may
19 assess against the respondent in a disciplinary action under
20 this act, as part of the sanction, the cost of investigation
21 underlying that disciplinary action.

22 (d) Administrative Agency Law.--Action of the board under
23 subsection (b) is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating
24 to practice and procedure of Commonwealth agencies) and 7 Subch.
25 A (relating to judicial review of Commonwealth agency action).
26 Section 708. Preemption.

27 This act shall preempt and supersede any ordinance relating
28 to the licensure or regulation of medical physics by a political
29 subdivision in effect on the effective date of this section.

30 Section 709. Effect of licensure.

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

6 Section 710. Exemptions.

7 Nothing in this article shall be construed to:

8 (1) Affect, prevent or in any manner expand or limit the
9 authority of any person otherwise authorized by law or
10 regulation to practice any function of a medical physicist or
11 any department or agency authorized by law or regulation to
12 regulate the use of radiation.

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

16 (3) Serve to limit radiological or imaging technologists
17 or any individual otherwise authorized by law or regulation
18 from performing quality control measurements or obtaining
19 quality control data under the supervision of a licensed
20 medical physicist.

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

24 Section 711. Funding.

25 Funds necessary for the payment of costs associated with
26 processing licenses and renewing licenses, for the operation of
27 the board and for other costs associated with this act shall be
28 transferred from the account to the department. The transferred
29 funds shall be repaid by the board to the account within three
30 years of the beginning of issuance of licenses by the board.

1 Section 712. Regulations.

2 The board shall promulgate regulations to carry out this act.
3 Publication of the final-form regulations under this section
4 shall take place within 18 months of the effective date of this
5 section. The board shall report, within 180 days of the
6 effective date of this section, and every 30 days thereafter, on
7 the status of the regulations to the Consumer Protection and
8 Professional Licensure Committee of the Senate and the
9 Professional Licensure Committee of the House of
10 Representatives.

11 CHAPTER 21

12 MISCELLANEOUS PROVISIONS

13 Section 2101. Effective date.

14 This act shall take effect as follows:

15 (1) The following provisions shall take effect
16 immediately:

17 (i) Sections 301, 501 and 712.

18 (ii) This section.

19 (2) The remainder of this act shall take effect in two
20 years.