

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 833*

Short Title: Enhance Patient Safety in Radiologic Imaging. (Public)

Sponsors: Representatives Insko, Setzer, Howard, and West (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Health, if favorable, Finance.

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR THE REGULATION AND LICENSING OF PERSONS WHO
3 PERFORM AND ADMINISTER RADIOLOGIC IMAGING AND RADIATION
4 THERAPY PROCEDURES.

5 The General Assembly of North Carolina enacts:

6 "Article 43.

7 "Radiologic Technologists and Radiation Therapists.

8 "**§ 90-735. Title.**

9 This Article may be cited as the "Patient Safety In Radiologic Imaging Act."

10 "**§ 90-736. Findings.**

11 The General Assembly finds and declares that the citizens of this State are entitled to the
12 maximum protection practicable from the harmful effects of improperly performed radiologic
13 imaging and radiation therapy procedures and that protection and quality can be increased by
14 requiring appropriate education and licensure of persons operating equipment used for
15 radiologic imaging and radiation therapy procedures. Therefore, it is essential to establish
16 standards of education for these technologists and to provide for appropriate examination and
17 licensure.

18 "**§ 90-737. Definitions.**

19 The following definitions apply in this Article:

- 20 (1) Board. – The Radiologic Imaging and Radiation Therapy Board of
21 Examiners.
- 22 (2) Bone densitometry. – The determination of bone mass by means of the
23 radiation absorption by a skeleton or part of a skeleton.
- 24 (3) Bone densitometry technologist. – A person who is licensed pursuant to this
25 Article as a limited X-ray machine operator with a permit to perform bone
26 densitometry testing.
- 27 (4) Cardiovascular invasive specialist. – A person who is licensed pursuant to
28 this Article to perform fluoroscopy to visualize cardiac or vascular anatomy.
- 29 (5) Computed tomography. – The process of producing sectional and
30 three-dimensional images using external ionizing radiation.
- 31 (6) Fluoroscopy. – The exposure of a patient to X-rays in a fluoroscopy mode,
32 including the positions of the patient, positioning of the fluoroscopy
33 equipment and the selection of exposure factors.



- 1 (7) Hybrid imaging equipment. – Equipment that combines more than one
2 radiologic imaging modality into a single device.
- 3 (8) Ionizing radiation. – Radiation that may consist of alpha particles, beta
4 particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed
5 protons, or other particles capable of producing ions. Ionizing radiation does
6 not include radiation, such as radiofrequency or microwaves, visible infrared
7 or ultraviolet light, or ultrasound.
- 8 (9) Licensed practitioner. – A person licensed to practice medicine, dentistry,
9 podiatry, or chiropractic medicine in this State.
- 10 (10) Limited X-ray machine operator. – A person who is licensed under this
11 Article to perform, under the supervision of a licensed practitioner,
12 diagnostic radiography procedures or bone densitometry using equipment
13 that emits external ionizing radiation resulting in diagnostic radiographic
14 images of selected specific parts of human anatomy.
- 15 (11) Magnetic resonance imaging. – The use of magnetic fields and
16 radiofrequency signals to create diagnostic images or dynamic images for
17 medical purposes.
- 18 (12) Magnetic resonance technologist. – A person who is licensed under this
19 Article to perform magnetic resonance procedures using magnetic fields and
20 radiofrequency signals.
- 21 (13) Medical physicist. – A person who is certified by the American Board of
22 Radiology, American Board of Medical Physics, American Board of Health
23 Physics, American Board of Science in Nuclear Medicine, or Canadian
24 College of Physics in Medicine in radiological physics or one of the
25 subspecialties of radiological physics.
- 26 (14) Nuclear medicine technology. – The branch of medicine that uses in vivo
27 and in vitro detection and measurement of radionuclides in diagnosis,
28 management guidance, and treatment of disease.
- 29 (15) Nuclear medicine technologist. – A person who is licensed under this Article
30 to perform a variety of (i) nuclear medicine and molecular imaging
31 procedures using sealed and unsealed radiation sources, ionizing and
32 nonionizing radiation, and adjunctive medicine and (ii) therapeutic
33 procedures using unsealed radioactive sources.
- 34 (16) Radiation therapist. – A person who is licensed under this Article to
35 administer radiation to human beings for therapeutic purposes.
- 36 (17) Radiation therapy. – The use of ionizing radiation for the purpose of treating
37 disease.
- 38 (18) Radiographer. – A person who is licensed under this Article to perform a
39 comprehensive set of diagnostic radiographic procedures using external
40 ionizing radiation to produce radiographic, fluoroscopic, or digital images.
- 41 (19) Radiography. – The process of obtaining an image for diagnostic evaluation
42 using external ionizing radiation (X-rays).
- 43 (20) Radiologic imaging. – Any procedure or article intended for use in the
44 diagnosis or visualization of disease or other medical conditions in human
45 beings, including, but not limited to, radiography, nuclear medicine,
46 fluoroscopy, magnetic resonance, and other procedures using ionizing
47 radiation or magnetic resonance. Radiologic imaging does not include the
48 use of ultrasound.
- 49 (21) Radiologist. – A physician certified by or board-eligible to be certified for
50 the American Board of Radiology, the American Osteopathic Board of

1 Radiology, the British Royal College of Radiology, or the Canadian College
2 of Physicians and Surgeons in that medical specialty.

3 (22) Radiologist assistant. – A person who is licensed under this Article to
4 perform a variety of activities under the supervision of a radiologist in the
5 areas of patient care, patient management, radiologic imaging, or
6 interventional procedures guided by radiologic imaging.

7 **"§ 90-738. License required; exemptions.**

8 (a) On or after October 1, 2016, no person shall perform or offer to perform radiologic
9 imaging or administer or offer to administer radiation therapy procedures on humans for
10 diagnostic or therapeutic purposes as defined in this Article or otherwise indicate or imply that
11 the person is licensed to perform radiologic imaging procedures or administer radiation therapy
12 unless that person is currently licensed as provided under this Article.

13 (b) The provisions of this Article shall not apply to the following:

14 (1) A licensed practitioner performing radiologic imaging procedures or
15 administering radiation therapy.

16 (2) A registered dental hygienist (RDH).

17 (3) A dental assistant I or II who has satisfactorily completed one of the
18 following:

19 a. The North Carolina radiography equivalency examination.

20 b. Dental assisting school through an American Dental
21 Association-accredited program.

22 c. The Dental Assisting National Board examination.

23 d. Been classified as a dental assistant II in this State under the laws
24 regulating the practice of dentistry.

25 (4) A resident physician licensed under Article 1 of this Chapter.

26 (5) A student enrolled in and attending a school or college of medicine or
27 radiologic imaging or radiation therapy who performs radiologic imaging or
28 radiation therapy procedures on humans while under the supervision of a
29 licensed practitioner, radiographer, radiation therapist, nuclear medicine
30 technologist, magnetic resonance technologist, or cardiovascular invasive
31 specialist holding a license under this Article.

32 (6) A person administering radiologic imaging or radiation procedures who is
33 employed by the United States government when performing duties
34 associated with that employment.

35 (7) A person performing ultrasound procedures or sonography.

36 (8) A person performing radiologic procedures or therapy on nonhuman subjects
37 or cadavers.

38 **"§ 90-739. Scope of practice; limitations.**

39 (a) The Board shall establish licensure standards for the following radiologic imaging
40 and radiation therapy modalities:

41 (1) Radiographer.

42 (2) Radiation therapist.

43 (3) Nuclear medicine technologist.

44 (4) Cardiovascular invasive specialist.

45 (5) Magnetic resonance technologist.

46 (6) Limited X-ray machine operator.

47 (7) Radiologist assistant.

48 (b) A person holding a license under this Article may use radioactive substances or
49 equipment emitting ionizing or magnetic resonance for radiologic imaging and radiation
50 therapy procedures on humans for diagnostic or therapeutic purposes only by prescription of an

1 individual authorized by the State to prescribe radiologic imaging or radiation therapy
2 procedures and under the supervision of a licensed practitioner.

3 (c) A person holding a license under this Article may use radioactive substances or
4 equipment emitting ionizing or magnetic resonance for radiologic imaging and radiation
5 therapy procedures on humans for diagnostic or therapeutic purposes only within the scope of
6 that license as specified in this Article and under the rules adopted by the Board.

7 (d) Individuals licensed as cardiovascular invasive specialists shall not perform
8 computed tomography, magnetic resonance imaging, mammography, nuclear medicine,
9 radiation therapy, or radiography.

10 (e) Individuals licensed as limited X-ray machine operators shall perform tasks only
11 within the scope of the specific permit issued to them by the Board for a particular area of the
12 human anatomy as provided in G.S. 90-742(d) and shall not perform computed tomography,
13 fluoroscopy, magnetic resonance imaging, mammography, radiation therapy, mobile imaging
14 procedures, or imaging procedures using contrast media.

15 (f) The performance of computed tomography shall be limited as follows:

16 (1) Individuals licensed to perform radiation therapy may perform computed
17 tomography for treatment simulation.

18 (2) Individuals licensed to perform nuclear medicine may perform computed
19 tomography fusion imaging on a hybrid unit.

20 (3) By January 1, 2018, all individuals licensed to perform radiologic imaging
21 and radiation therapy who perform computed tomography for diagnostic
22 purposes must be certified in computed tomography by the American
23 Registry of Radiologic Technologists, the Nuclear Medicine Certification
24 Board, or another certification organization recognized by the Board.

25 (g) Individuals licensed as radiologist assistants shall not interpret images, make
26 diagnoses, or prescribe medications or therapies.

27 **"§ 90-740. Radiologic Imaging and Radiation Therapy Board of Examiners.**

28 (a) Creation. – The North Carolina Radiologic Imaging and Radiation Therapy Board
29 of Examiners is created.

30 (b) Composition and Terms. – The Board shall consist of 11 members who shall serve
31 staggered terms. The Board members shall be appointed by the Governor, the President Pro
32 Tempore of the Senate, and the Speaker of the House of Representatives. Initial Board
33 members shall be appointed on or before October 1, 2015, as follows:

34 (1) The Governor shall appoint one member who is a licensed radiographer who
35 shall serve for a three-year term.

36 (2) The Governor shall appoint one member who is a licensed nuclear medicine
37 technologist who shall serve for a two-year term.

38 (3) The Governor shall appoint one member who is a licensed radiation therapist
39 who shall serve for a one-year term.

40 (4) The President Pro Tempore of the Senate shall appoint one member who is a
41 full-time educator of a program that prepares providers licensed under this
42 Article who shall serve for a two-year term.

43 (5) The President Pro Tempore of the Senate shall appoint one member who is a
44 licensed magnetic resonance technologist who shall serve for a two-year
45 term.

46 (6) The President Pro Tempore of the Senate shall appoint one member who is a
47 licensed cardiovascular invasive specialist who shall serve for a one-year
48 term.

49 (7) The President Pro Tempore of the Senate shall appoint one member who is a
50 licensed radiologist assistant who shall serve for a three-year term.

- 1 (8) The Speaker of the House of Representatives shall appoint one member who
2 is a radiologist who shall serve for a two-year term.
- 3 (9) The Speaker of the House of Representatives shall appoint one member who
4 is a medical physicist who shall serve for a three-year term.
- 5 (10) The Speaker of the House of Representatives shall appoint one member who
6 is a licensed physician practicing in a hospital setting who shall serve for a
7 three-year term.
- 8 (11) The Speaker of the House of Representatives shall appoint one public
9 member who shall serve for a two-year term.

10 Upon the expiration of the terms of the initial Board members, members shall be appointed
11 by the appointing authority making the initial appointment for terms of three years and shall
12 serve until their successors are appointed. Successors shall be appointed by the appointing
13 authority making the original appointment and shall be registered in the same specialty as the
14 member of the Board they will replace. No member may serve more than two consecutive
15 terms.

16 (c) Qualifications. – Except for the public member of the Board, every member of the
17 Board shall hold a valid license issued by the Board in the category of license for that member's
18 specialty, shall be a resident of this State, and shall remain in active practice and in good
19 standing with the Board as a licensee during their terms. The public member shall be a resident
20 of this State and shall not be (i) a currently or actively licensed practitioner or (ii) a person who
21 administers radiation therapy procedures under this Article.

22 (d) Vacancies. – A vacancy shall be filled in the same manner as the original
23 appointment and shall be filled within 45 days after the vacancy occurs. Appointees to fill
24 vacancies shall serve the remainder of the unexpired term and until their successors have been
25 duly appointed and qualified.

26 (e) Removal. – The Board may remove any of its members for neglect of duty,
27 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a
28 licensee shall be disqualified from participating in the official business of the Board until the
29 charges have been resolved.

30 (f) Compensation. – Each member of the Board shall receive per diem and
31 reimbursement for travel and subsistence as provided in G.S. 93B-5.

32 (g) Officers. – The officers of the Board shall be a chair who shall be licensed under
33 this Article, a vice-chair, and other officers deemed necessary by the Board to carry out the
34 purposes of this Article. All officers shall be elected annually by the Board for one-year terms
35 and shall serve until their successors are elected and qualified.

36 (h) Meetings. – The Board shall hold at least two meetings each year to conduct
37 business and to review the standards and rules for improving the administration of radiologic
38 imaging or radiation therapy procedures. The Board shall establish the procedures for calling,
39 holding, and conducting regular and special meetings. A majority of Board members
40 constitutes a quorum.

41 **"§ 90-741. Powers of the Board.**

42 The Board shall have the following powers and duties:

- 43 (1) Administer this Article.
44 (2) Issue interpretations of this Article.
45 (3) Adopt rules as may be necessary to carry out the provisions of this Article.
46 (4) Employ and fix the compensation of personnel that the Board determines is
47 necessary to carry into effect the provisions of this Article and incur other
48 expenses necessary to effectuate this Article.
49 (5) Examine and determine the qualifications and fitness of applicants for
50 licensure, renewal of licensure, and reciprocal licensure.

- 1 (6) Issue, renew, deny, suspend, or revoke licenses and carry out any
2 disciplinary actions authorized by this Article.
- 3 (7) Set fees for licensure, license renewal, and other services deemed necessary
4 to carry out the purposes of this Article.
- 5 (8) Conduct investigations for the purpose of determining whether violations of
6 this Article or grounds for disciplining licensees exist.
- 7 (9) Conduct administrative hearings in accordance with Article 3A of Chapter
8 150B of the General Statutes.
- 9 (10) Maintain a record of all proceedings and make available to licensees and
10 other concerned parties an annual report of all Board action.
- 11 (11) Develop standards and adopt rules for the improvement of the administration
12 of radiologic imaging or radiation therapy procedures in this State.
- 13 (12) Adopt a seal containing the name of the Board for use on all licenses and
14 official reports issued by the Board.
- 15 (13) Establish criteria and standards for educational programs offered in the State
16 in radiologic imaging and radiation therapy.
- 17 (14) Approve radiologic imaging and radiation therapy educational programs that
18 the Board determines meet the criteria and standards established by the
19 Board.

20 **"§ 90-742. Requirements for licensure.**

21 (a) The Board shall admit to examination for licensure any applicant who shall pay a
22 nonrefundable fee, as set forth in G.S. 90-748, and submit satisfactory evidence, verified by
23 oath or affirmation, that the applicant meets the following criteria:

- 24 (1) At the time of the application is at least 18 years of age.
- 25 (2) Has obtained a high school diploma or a high school graduation equivalency
26 certificate.

27 (b) In addition to the requirements of subsection (a) of this section, any person seeking
28 to obtain a license for a specific modality of radiologic imaging or radiation therapy, other than
29 a limited X-ray machine operator or radiologist assistant, shall comply with the following
30 requirements:

- 31 (1) Satisfactory completion of a course of study in radiography, radiation
32 therapy, magnetic resonance, cardiovascular invasive specialty, or nuclear
33 medicine, respectively, or its equivalent to be determined by the Board. The
34 curriculum for each course of study shall be no less stringent than the
35 standards approved by the Joint Review Committee on Education in
36 Radiologic Technology, Joint Review Committee on Education in Nuclear
37 Medicine Technology, Commission on Accreditation of Allied Health
38 Education Programs, or any other appropriate accreditation agency approved
39 by the Board, provided the standards are not in conflict with Board policy.
- 40 (2) Pass an examination established or approved by the Board.

41 (c) In addition to the requirements of subsection (a) of this section, a person seeking to
42 obtain a license as a limited X-ray machine operator shall pass an examination established or
43 approved by the Board.

44 (d) The license of a limited X-ray machine operator shall be limited in scope through
45 the issuance of permits to perform diagnostic X-rays on specific anatomical areas of the human
46 body. The permits that may be issued are as follows:

- 47 (1) Chest radiography permit: radiography of the thorax, heart, and lungs.
- 48 (2) Extremities radiography permit: radiography of the upper and lower
49 extremities, including the pectoral girdle.

- 1 (3) Spine radiography permit: radiography of the vertebral column. Spine
2 radiology permit holders are limited to working under the supervision of a
3 licensed chiropractor.
- 4 (4) Skull/sinus radiology permit: radiography of the skull and facial structures.
- 5 (5) Podiatric permit: radiography of the foot, ankle, and lower leg below the
6 knee. Podiatric permit holders are limited to working under the supervision
7 of a licensed podiatrist.
- 8 (6) Bone densitometry technologist permit: notwithstanding the provisions of
9 subsection (c) of this section, individuals who are certified by the
10 International Society for Clinical Densitometry or the American Registry of
11 Radiologic Technologists in bone densitometry shall be granted a permit to
12 perform bone densitometry testing.
- 13 (e) In addition to the requirements of subsection (a) of this section, a person seeking to
14 obtain a license as a radiologist assistant shall:
- 15 (1) Be licensed as a radiographer by meeting the requirements of subsection (b)
16 of this section.
- 17 (2) Be certified and registered as a registered radiologist assistant by the
18 American Registry of Radiologic Technologists or be certified as a radiology
19 practitioner assistant by the Certification Board of Radiology Practitioner
20 Assistants.
- 21 (3) Submit to the Board clinical protocols signed by the supervising radiologist
22 specifying procedures to be performed by the radiologist assistant, the level
23 of supervision to be provided by the supervising radiologist, and locations of
24 practice designated by the supervising radiologist. Updated protocols shall
25 be submitted biannually consistent with the timing for radiologist license
26 renewal. The radiologist assistant scope of practice shall be consistent with
27 the most recent version of the Radiologist Assistant Practice Standards
28 published by the American Society of Radiologic Technologists.

29 **"§ 90-743. Examinations.**

30 (a) To meet the requirement of examination, the Board shall accept current registration
31 by the American Registry of Radiologic Technologists, Nuclear Medicine Technologist
32 Certification Board, or Cardiovascular Credentialing International. The Board may accept
33 current registration of other recognized national voluntary certification organizations, provided
34 that the standards of that organization are substantially equivalent to those established by the
35 Board.

36 (b) The Board shall use a limited X-ray machine operator examination administered by
37 the American Registry of Radiologic Technologists for persons applying for a limited permit in
38 chest, extremity, skull/sinus, podiatric, or spine radiography.

39 (c) The Board may accept certification from the American Chiropractic Registry of
40 Radiologic Technologists for persons applying for a limited permit in spine radiography.

41 (d) The Board may accept certification from the North Carolina Board of Podiatry
42 Examiners for persons applying for a limited permit in podiatric radiography.

43 **"§ 90-744. Issuance of license; temporary license; display of license.**

44 (a) The Board may issue a license to each applicant who meets the requirements for
45 licensure specified in this Article, upon payment of a fee as provided in G.S. 90-748.

46 (b) The Board may issue a temporary license to any person whose licensure or license
47 renewal may be pending or when issuance is for the purpose of providing radiologic imaging or
48 radiation therapy services to medically underserved areas as determined by the Board. A
49 temporary license shall be issued only if the Board finds that it will not violate the purpose of
50 this Article or endanger the public health and safety. A temporary license shall expire 90 days
51 after the date of the next examination if the applicant is required to take an examination. If the

1 applicant does not take the examination on the scheduled date, the temporary license shall
2 expire. In all other cases, a temporary license shall expire when the determination is made
3 either to issue or deny the applicant a regular license. A temporary license shall not be issued
4 for a period longer than 180 days.

5 (c) New graduates awaiting national certification may be issued a provisional license
6 for employment purposes for a period not to exceed one year.

7 (d) Any person issued a license under this Article shall display the official license
8 document or a verified copy in each place of regular employment.

9 **"§ 90-745. Educational program approval.**

10 (a) A program approved by the Board in radiography, radiation therapy, nuclear
11 medicine technology, magnetic resonance technology, cardiovascular invasive specialist, or
12 limited X-ray machine operation may be offered by a medical facility or educational institution.
13 The program shall be affiliated with one or more hospitals or clinics approved by the Board to
14 provide the requisite clinical education.

15 (b) Pursuant to rules adopted by the Board, the Board shall do the following:

16 (1) Establish procedures for an educational program to follow in making
17 application for approval by the Board.

18 (2) Provide a process for review of approval by a recognized national voluntary
19 accrediting organization.

20 **"§ 90-746. License renewal.**

21 (a) Every license issued under this Article shall be renewed on or before January 1
22 every two years. The license shall be renewed upon the payment of a renewal fee, as provided
23 in G.S. 90-748, if, at the time of application for renewal, the applicant is not in violation of this
24 Article and has complied with any continuing education requirements pursuant to rules adopted
25 by the Board.

26 (b) As a condition of license renewal, each individual licensed as a radiographer,
27 radiation therapist, magnetic resonance technologist, cardiovascular invasive specialist, or
28 nuclear medicine technologist shall be required to complete 24 hours of continuing education
29 as approved by the Board. Individuals licensed as limited X-ray machine operators shall
30 complete 12 hours of continuing education approved by the Board. Individuals licensed as
31 radiologist assistants shall complete 50 hours of continuing education approved by the Board.
32 A licensee is not required to duplicate the continuing education hours submitted to the
33 American Registry of Radiologic Technologists or other certification organization recognized
34 by the Board for renewal.

35 (c) The Board shall notify a licensee at least 30 days in advance of the expiration of his
36 or her license. The licensee shall inform the Board of any change of the licensee's address. Each
37 licensee is responsible for renewing his or her license before the expiration date. Licenses that
38 are not renewed automatically lapse.

39 (d) The Board may provide for the late renewal of an automatically lapsed license upon
40 the payment of a reinstatement fee. The licensee shall maintain certification in his or her
41 licensed specialty throughout the licensure period established by the credentialing body.

42 **"§ 90-747. Reciprocity.**

43 The Board may, upon application and payment of proper fees, grant a license to a person
44 who resides in this State and has been licensed, certified, or registered to perform or administer
45 radiologic imaging or radiation therapy procedures in another jurisdiction if that jurisdiction's
46 standards of competency are substantially equivalent to those provided in this Article in
47 accordance with rules adopted by the Board.

48 **"§ 90-748. Fees.**

49 (a) The Board is authorized to charge and collect fees not to exceed the following:

50 (1) Initial, provisional, or temporary license application fee, one hundred dollars
51 (\$100.00).

- 1 (2) Biennial license fee, two hundred dollars (\$200.00).
- 2 (3) Temporary license fee, one hundred dollars (\$100.00).
- 3 (4) Provisional license fee, two hundred dollars (\$200.00).
- 4 (5) Duplicate license, twenty-five dollars (\$25.00).
- 5 (6) License renewal late fee, seventy-five dollars (\$75.00).

6 (b) All fees shall be set by the Board pursuant to rules adopted under this Article. All
7 fees payable to the Board shall be deposited in the name of the Board in financial institutions
8 designated by the Board as official depositories and shall be used to pay all expenses incurred
9 in carrying out the purposes of this Article.

10 (c) All salaries, compensation, and expenses incurred or allowed to carry out the
11 purposes of this Article shall be paid by the Board exclusively out of the fees received by the
12 Board as authorized by this Article or funds received from other sources.

13 **"§ 90-749. Disciplinary authority.**

14 (a) The Board may deny, suspend, revoke, or refuse to renew a license or impose
15 probationary conditions on a license if the licensee or applicant for licensure has engaged in
16 any of the following conduct:

- 17 (1) Obtaining a license by means of fraud, misrepresentation, or concealment of
18 material facts.
- 19 (2) Engaging in unprofessional conduct pursuant to rules adopted by the Board.
- 20 (3) Having been convicted of or pleaded guilty or nolo contendere to a crime
21 involving moral turpitude or any crime that indicates that the licensee or
22 applicant is unfit or incompetent to administer radiologic imaging or
23 radiation therapy procedures or that the licensee or applicant has deceived or
24 defrauded the public.
- 25 (4) Engaging in any act or practice in violation of any of the provisions of this
26 Article or any rule adopted by the Board or aiding, abetting, or assisting any
27 person in such a violation.
- 28 (5) Committing an act or acts of malpractice, gross negligence, or incompetence
29 in administering radiologic imaging or radiation therapy procedures.
- 30 (6) Practicing as a person licensed to administer radiologic imaging or radiation
31 therapy procedures without a current license.
- 32 (7) Engaging in conduct that could result in harm or injury to the public.
- 33 (8) Having a license issued under this Article revoked or suspended or other
34 disciplinary action taken, whether in this State or another jurisdiction.
- 35 (9) Being unfit or incompetent to administer radiologic imaging or radiation
36 therapy services by reason of deliberate or negligent acts or omissions,
37 regardless of whether actual injury to a patient is established.

38 (b) The denial, refusal to renew, suspension, revocation, or imposition of probationary
39 conditions upon a license may be ordered by the Board after a hearing held in accordance with
40 Chapter 150B of the General Statutes and rules adopted by the Board. An application may be
41 made to the Board for reinstatement of a revoked license if the revocation has been in effect for
42 at least two years after the date of the Board's order revoking the license.

43 **"§ 90-750. Violation a misdemeanor.**

44 Any person who violates any provision of this Article shall be guilty of a Class 1
45 misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate
46 offense.

47 **"§ 90-751. Injunctive relief.**

48 The Board may make application to any appropriate court for an order enjoining violations
49 of this Article, and upon a showing by the Board that any person has violated or is about to
50 violate this Article, the court may grant an injunction, restraining order, or take other
51 appropriate action."

1 **SECTION 2.** Notwithstanding the requirements of G.S. 90-740, as enacted by
2 Section 1 of this act, the initial appointees to the Radiologic Imaging and Radiation Therapy
3 Board of Examiners filling the membership positions for licensed radiologist, licensed nuclear
4 medicine technologist, licensed radiation therapist, licensed cardiovascular invasive specialist,
5 and licensed limited X-ray machine operator do not have to meet the licensure requirements
6 established in Section 1 of this act, provided that these initial appointees shall apply for and
7 obtain a license from the Board within 90 days after the Board begins issuing licenses.

8 **SECTION 3.** Persons other than radiologist assistants who have been engaged in
9 the practice of radiologic imaging and radiation therapy and who do not hold a current
10 registration from a voluntary professional certification organization approved by the Radiologic
11 Imaging and Radiation Therapy Board of Examiners may continue to practice in the modality
12 of radiologic imaging or radiation therapy in which they are currently employed provided that
13 they (i) register with the Board on or before October 1, 2016; (ii) do not change the scope of
14 their current employment practice; (iii) complete all continuing education requirements for
15 their area of practice annually as prescribed by the Board; (iv) practice only under the
16 supervision of a licensed practitioner; and (v) obtain a license from the Board on or before
17 October 1, 2020.

18 **SECTION 4.** This act is effective when it becomes law.