

H. B. 2929

(By Delegates Marshall, Fleischauer, Hatfield,
Barill and Hunt)

[Introduced January 28, 2011; referred to the
Committee on Health and Human Resources then the
Judiciary.]

A BILL to repeal §30-23-1 of the Code of West Virginia, 1931, as amended; and amend and reenact §30-23-2, §30-23-3, §30-23-4, §30-23-5, §30-23-6, §30-23-7, §30-23-8, §30-23-9, §30-23-10, §30-23-11, §30-23-12, §30-23-13, §30-23-14, §30-23-15, §30-23-16, §30-23-17, §30-23-18, §30-23-19, §30-23-20, §30-23-21, §30-23-22, §30-23-23, §30-23-24, §30-23-25, §30-23-26, §30-23-27, §30-23-28 and §30-23-29, all relating to radiologic technologists; the practice of medical imaging and radiation therapy; unlawful acts; applicable law; definitions; renaming the Medical Imaging and Radiation Therapy Technology Board of Examiners the West Virginia Medical Imaging and Radiation Therapy Technology Board; powers and duties of the board; rule making; fees, special revenue account and administrative fines; requirements for radiologic technology license and exemptions; scope of practice for a radiologic technologist; scope of practice for a radiation therapist; requirements for

1 temporary medical imaging and radiation therapy technology
2 license; license from another state and license to practice in
3 this state; requirements for nuclear medicine technologist
4 license and scope of practice; requirements for magnetic
5 resonance imaging technologist license and scope of practice;
6 requirements for sonographer license and scope of practice;
7 requirements for an apprentice license for nuclear medicine
8 technologists, magnetic resonance imaging technologists and
9 diagnostic medical sonographer; requirements for podiatric
10 medical assistant permit and scope of practice; license and
11 permit renewal requirements; display of license; complaints,
12 investigations, due process procedure, grounds for
13 disciplinary; procedures for hearing, right of appeal and
14 judicial review; injunctions; and criminal proceedings and
15 misdemeanor penalties.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §30-23-1 of the Code of West Virginia, 1931, as amended,
18 be repealed; and that §30-23-2, §30-23-3, §30-23-4, §30-23-5, §30-
19 23-6, §30-23-7, §30-23-8, §30-23-9, §30-23-10, §30-23-11, §30-23-
20 12, §30-23-13, §30-23-14, §30-23-15, §30-23-16, §30-23-17, §30-23-
21 18, §30-23-19, §30-23-20, §30-23-21, §30-23-22, §30-23-23, §30-23-
22 24, §30-23-25, §30-23-26, §30-23-27, §30-23-28 and §30-23-29, be
23 amended and reenacted, all to read as follows:

24 **ARTICLE 23. RADIOLOGIC TECHNOLOGISTS.**

1 ~~§30-23-1. License required to practice.~~

2 ~~The Legislature finds that in the interest of public health~~
3 ~~that:~~

4 ~~(1) The people of this state should be protected from~~
5 ~~excessive and improper exposure to ionizing radiation, radioactive~~
6 ~~isotopes, radio waves, and magnetic fields energy; and~~

7 ~~(2) A person performing medical imaging or radiation therapy~~
8 ~~technology in this state shall be licensed.~~

9 ~~Therefore, it is the purpose of this article to regulate the~~
10 ~~practice of medical imaging or radiation therapy in this state by~~
11 ~~requiring that a person have a license, apprentice license or~~
12 ~~permit when practicing medical imaging or radiation therapy~~
13 ~~technology.~~

14 **§30-23-2. Unlawful acts.**

15 (a) It is unlawful for any person to practice or offer to
16 practice medical imaging or radiation therapy technology in this
17 state without a license, apprentice license, temporary license, or
18 podiatry medical assistant permit issued under the provisions of
19 this article, or advertise or use any title or description tending
20 to convey the impression that the person is a licensed medical
21 imaging technologist or radiation therapy technologist, unless such
22 person has been duly licensed under the provisions of this article,
23 and such license, apprentice license, temporary license, or

1 podiatry medical assistant permit has not expired, been suspended
2 or revoked.

3 (b) Without a licensee, it is unlawful for any business entity
4 to render any service or engage in any activity which if rendered
5 or engaged in by an individual, would constitute the practice of
6 medical imaging or radiation therapy technology.

7 **§30-23-3. Applicable law.**

8 The practice of medical imaging or radiation therapy
9 technology and the Medical Imaging and Radiation Therapy Technology
10 Board of Examiners are subject to the provisions of article one of
11 this chapter and the provisions of this article and any rules
12 promulgated thereunder.

13 **§30-23-4. Definitions.**

14 As used in this article, the following words and terms have
15 the following meanings, unless the context clearly indicates
16 otherwise:

17 (1) "Accreditation" or "accredited" means recognition by a
18 nationally recognized organization recognized by the board and the
19 United States Department of Education that verifies a medical
20 imaging or radiation therapy educational program's compliance with
21 defined national standards for training and competence in the
22 medical imaging or radiation therapy modality;

23 (2) "Advanced Nurse Practitioner" means a person licensed as

1 an Advanced nurse practitioner who has been granted and maintains
2 prescriptive authority.

3 (3) "Apprentice license" means a license issued by the board
4 to:

5 (A) Provide a five-year grace period following enactment of
6 provisions of this article for implementation of certification
7 requirements for those persons who have been practicing a specific
8 medical imaging modality but have not earned the certification
9 required by the board for licensure;

10 (B) Permit cross-training of medical imaging modalities.

11 (4) "Approved school" means an educational program in a
12 medical imaging modality or subspecialty that has been accredited
13 by a nationally recognized accreditation organization that is
14 recognized by the board and whose graduates are qualified to sit
15 for a certification examination recognized by the board in the
16 graduate's medical imaging modality or subspecialty.

17 ~~(a) "ASPMA" means the American Society of Podiatric Medical~~
18 ~~Assistants.~~

19 (5) "ARDMS" means the American Registry for Diagnostic
20 Medical Sonography.

21 ~~(b)~~ (6) "ARMRIT" means the American Registry of Magnetic
22 Resonance Imaging Technologists.

23 ~~(c)~~ (7) "ARRT" means the American Registry of Radiologic
24 Technologist.

1 ~~(a)~~ (8) "ASPMA" means the American Society of Podiatric
2 Medical Assistants.

3 ~~(d)~~ (9) "Board" means the West Virginia Medical Imaging and
4 Radiation Therapy Technology Board of Examiners.

5 ~~(e)~~ (10) "Business entity" means any firm, partnership,
6 association, company, corporation, limited partnership, limited
7 liability company or other entity providing medical imaging or
8 radiation therapy technology.

9 (11) "CAAHEP" means the Commission on Accreditation of Allied
10 Health Education Programs.

11 (12) "CMA" means the Canadian Medical Association.

12 (13) "Certification organization" means a nationally
13 recognized organization recognized by the board that issues
14 credentials through testing or evaluations that determine that a
15 person meets defined standards for training and competence in a
16 medical imaging or radiation therapy modality.

17 ~~(f)~~ (14) "Dental X-rays" means X-rays taken of the oral cavity
18 with x-ray units designed for this specific performance.

19 (15) "Diagnostic medical sonography" means the use of
20 nonionizing high frequency soundwaves with specialized equipment to
21 direct the sound waves into areas of the human body for the
22 assessment and diagnosis of various medical conditions.

23 (16) "Graduate" means an individual who has completed the
24 didactic and clinical education at an approved school, including

1 documented clinical proficiency, but who has not met all
2 requirements for certification by a certification organization.

3 (17) "JRC-CVT" means the Joint Review Committee on
4 Cardiovascular Technology.

5 (18) "JRC-DMS" Means the Joint Review Committee on Education
6 in Diagnostic Medical Sonography.

7 ~~(g)~~ (19) "JRCERT" means the Joint Review Committee on
8 Education in Radiologic Technology.

9 ~~(h)~~ (20) "JRCNMT" means the Joint Review Committee on
10 Education Programs in Nuclear Medicine Technology.

11 ~~(i)~~ (21) "License" means a medical imaging and radiation
12 therapy technology license issued under the provisions of this
13 article.

14 ~~(j)~~ (22) "Licensed practitioner" means a person licensed in
15 West Virginia to practice medicine, chiropractic, podiatry,
16 osteopathy or dentistry.

17 ~~(k)~~ (23) "Licensee" means a person holding a license issued
18 under the provisions of this article.

19 ~~(l)~~ (24) "Magnetic Resonance Imaging or MRI" means the
20 performance of medical imaging using radio waves, magnetic fields
21 and a computer to produce images of the body tissues.

22 ~~(m) "Medical Imaging" means the use of ionizing radiation,~~
23 ~~electromagnetic radiation, or radioactivity for evaluation of body~~
24 ~~tissue in order to diagnose injury and disease by means of image~~

1 ~~production.~~

2 (25) "Medical Imaging" means image production through the use
3 of ionizing, nonionizing, or electromagnetic radiation, or
4 radioactivity for diagnostic evaluation of human anatomy, tissue,
5 or organs, or other therapeutic purposes, pursuant to an order or
6 prescription by a licensed practitioner.

7 (26) "Medical Imaging / Radiation Therapy modality" means:

8 (A) Diagnostic medical sonography and all its subspecialties;

9 (B) Magnetic resonance imaging and all its subspecialties;

10 (C) Nuclear medicine technology and all its subspecialties;

11 (D) Radiation therapy and all its subspecialties; or

12 (E) Radiography and all its subspecialties.

13 ~~(n)~~ (27) "NMTCB" means the Nuclear Medicine Technology
14 Certification Board.

15 ~~(o)~~ (28) "Nuclear medicine technologist" means a person
16 holding a nuclear medicine license issued under the provisions of
17 this article.

18 ~~(p)~~ (29) "Nuclear medicine technology" means the compounding,
19 calibrating, dispensing and administrating of radio-
20 pharmaceuticals, pharmaceuticals and radio-nuclides under the
21 direction of an individual listed as an authorized user by the U.S.
22 Nuclear Regulatory Commission for the production of images for
23 diagnosis and/or treatment of various disorders.

24 ~~(dd)~~ (30) "Nurse-midwife" means a person licensed as a Nurse-

1 Midwife who has been granted and maintains prescriptive authority.

2 (31) "Permit" means a podiatric medical assistant permit
3 issued under the provisions of this article.

4 ~~(q)~~ (32) "Permittee" means any person holding a podiatric
5 medical assistant permit issued pursuant to the provisions of this
6 article.

7 ~~(r)~~ (33) "PET/CT Technologist" means an individual recognized
8 by the board as qualified to operate a PET/CT scanner.

9 ~~(s)~~ (34) "PET/CT Technology" means the operation of a Positron
10 Emission Tomography/Computerized Tomography scanner to view
11 internal images of the body.

12 (35) "Physician assistant" means a person certified or
13 licensed as a physician assistant by the Board of Medicine or Board
14 of Osteopathy, or both licensed and certified, who has been granted
15 and maintains prescriptive authority.

16 ~~(t)~~ (36) "Podiatric medical assistant" means a person who has
17 been issued a permit under the provisions of this article, to
18 perform podiatric radiographs.

19 ~~(u)~~ (37) "Podiatric radiographs" means radiographs confined to
20 the foot and ankle performed on dedicated podiatric X-ray
21 equipment.

22 (38) "Point-Of-Care Ultrasound" refers to the use of
23 ultrasound in real-time fashion to make immediate assessments in
24 patient care and where the qualifications and expertise of the

1 operator of such equipment is limited to basic equipment
2 operations.

3 ~~(v)~~ (39) "Practice of Medical Imaging and Radiation Therapy
4 Technology" means the practice of radiologic technology, radiation
5 therapy, nuclear medicine technology, ~~and~~ magnetic resonance
6 imaging technology and diagnostic medical sonography.

7 ~~(w)~~ (40) "Radiologic technologist" means a person, other than
8 a licensed practitioner, who applies medical imaging or assists in
9 the application of ionizing radiation to human beings for
10 diagnostic or therapeutic purposes as prescribed by a licensed
11 practitioner.

12 ~~(x)~~ (41) "Radiologic technology" means the application of
13 ionizing radiation or assisting in the application of ~~medical~~
14 ~~imaging~~ ionizing radiation to human beings for diagnostic or
15 therapeutic purposes as prescribed by a licensed practitioner.

16 ~~(y)~~ (42) "Radiologist" means a licensed practitioner who has
17 successfully completed a residency in the field of Radiology and
18 specializes in the use of medical imaging for the diagnosis or
19 treatment of disease.

20 ~~(z)~~ (43) "Radiologist Assistant or RA" means an individual who
21 is licensed under the rules of the West Virginia Board of Medicine
22 and has completed specialized training from an accredited program
23 in the profession and passed a written examination as recognized by
24 the West Virginia Board of Medicine.

1 ~~(aa)~~ (44) "Radiology resident" means a licensed practitioner
2 who is in training to become a radiologist and who uses medical
3 imaging in the diagnosis or treatment of disease, under the
4 supervision of a Radiologist.

5 (45) "Sonographer" or "Diagnostic Medical Sonographer" means
6 a person, including a vascular sonographer, echocardiographer, or
7 other than a licensed practitioner, who provides patient care
8 services using ultrasound;

9 (46) "Student" means an individual enrolled in an approved
10 school.

11 ~~(bb)~~ (47) "Supervision" means responsibility for and control
12 of quality, safety and technical aspects in the application of
13 medical imaging technology on human beings for diagnostic or
14 therapeutic purposes.

15 ~~(cc)~~ (48) "Technology" means medical imaging technology or
16 radiation therapy technology.

17 (49) "Temporary license" means a license issued by the board
18 to permit graduates of approved programs to work for a limited time
19 in the applicable medical imaging modality while preparing for and
20 completing a certification examination.

21 (50) "Ultrasound" means the use of nonionizing high frequency
22 soundwaves [above 20,000 cycles per second (Hz)] with specialized
23 equipment to direct the sound waves into areas of the human body to
24 generate images for the assessment, diagnosis and treatment of

1 various medical conditions.

2 **§30-23-5. Medical imaging and radiation therapy technology board**
 3 **of examiners.**

4 (a) The West Virginia Medical Imaging and Radiation Therapy
 5 Technology Board of Examiners is continued and is renamed West
 6 Virginia Medical Imaging and Radiation Therapy Technology Board.

7 The members of the board in office, unless sooner removed, continue
 8 to serve until their respective terms expire and until their
 9 successors have been appointed and qualified.

10 (b) The board shall consist of the following ~~eleven~~ thirteen
 11 members, appointed by the Governor by and with the advice and
 12 consent of the Senate:

13 (1) One radiologic health specialist from the Radiation,
 14 Toxics and Indoor Air Division of the West Virginia Department of
 15 Health and Human Resources;

16 (2) Three licensed practitioners, ~~two~~ one ~~of whom~~ shall be
 17 ~~Radiologists~~ a radiologist;

18 (3) Three licensed radiologic technologists, one of whom shall
 19 be an active medical imaging educator;

20 (4) One licensed nuclear medicine technologist;

21 (5) One licensed magnetic resonance imaging technologist; ~~and~~

22 (6) One licensed radiation therapist;

23 (7) One licensed sonographer; and

1 ~~(6)~~ (8) Two citizen members, who are not licensed under the
2 provisions of this article and do not perform any services related
3 to the practice licensed under the provisions of this article.

4 (c) Each member shall be appointed for a term of ~~three~~ five
5 years and may not serve more than two consecutive full terms. A
6 member having served two consecutive full terms may not be
7 appointed for one year after completion of his or her second full
8 term. A member continues to serve until a successor has been
9 appointed and has qualified. The terms shall be staggered in
10 accordance with the initial appointments under prior enactments of
11 this article.

12 (d) Each member of the board shall be a resident of West
13 Virginia during the appointment term.

14 (e) ~~The Radiologic Technologists, Nuclear Medicine~~
15 ~~Technologists and the Magnetic Resonance Imaging Technologists~~
16 ~~serving on the board~~ A licensed member shall maintain an active
17 license with the board.

18 (f) A vacancy on the board shall be filled by appointment by
19 the Governor for the unexpired term of the member whose office is
20 vacant.

21 (g) The Governor may remove any member from the board for
22 neglect of duty, incompetency or official misconduct.

23 (h) A licensed member of the board immediately and
24 automatically forfeits membership to the board if his or her

1 ~~license authorization~~ to practice has been suspended or revoked in
2 any jurisdiction or ~~A member of the board immediately and~~
3 ~~automatically forfeits membership to the board~~ if he or she is
4 convicted of a felony under the laws of any ~~state or the United~~
5 ~~States, or becomes a nonresident of this state~~ jurisdiction.

6 (i) The board shall designate one of its members as
7 chairperson and one member as secretary who shall serve at the will
8 of the board.

9 (j) Each member of the board shall receive compensation and
10 expense reimbursement in accordance with article one of this
11 chapter.

12 (k) A majority of the members serving on the board shall
13 constitute a quorum.

14 (l) The board shall hold at least two ~~annual~~ meetings
15 annually. Other meetings shall be held at the call of the
16 chairperson or upon the written request of ~~two~~ four members, at
17 such time and place as designated in the call or request.

18 (m) Prior to commencing his or her duties as a member of the
19 board, each member shall take and subscribe to the oath required by
20 section five, article four of the Constitution of this state.

21 **§30-23-6. Powers and duties of the board.**

22 (a) The board has all the powers and duties set forth in this
23 article, by rule, in article one of this chapter, and elsewhere in
24 law.

1 (b) The board shall:

2 (1) Hold meetings, conduct hearings and administer
3 examinations;

4 (2) Establish requirements for a license, apprentice license,
5 temporary license and permit;

6 (3) Establish procedures for submitting, approving and
7 rejecting applications for a license, apprentice license, temporary
8 license and permit;

9 (4) Determine the qualifications of any applicant for a
10 license, permit, certificate and registration;

11 (5) Provide standards for approved schools of medical imaging
12 and radiation therapy technology and programs within schools,
13 procedures for obtaining and maintaining approval, and procedures
14 of revocation of approval where standards are not maintained:
15 *Provided*, That the standards for approved schools meet at least the
16 ~~minimal requirements of the American Registry of Radiologic~~
17 ~~Technologist JRCERT, JRCNMT or standards determined~~
18 ~~programmatically equivalent by the board~~ applicable minimum
19 accreditation requirements of JRCERT, JRCNMT, CAAHEP (in accordance
20 with standards established by the JRC-DMS or JRC-CVT) or CMA, or
21 standards determined programmatically equivalent by the board;

22 (6) Work with the West Virginia Board of Medicine to determine
23 the scope of practice, the required education and training, and the
24 type of regulations necessary for radiologist assistants;

1 (7) ~~Prepare, conduct, administer and grade written, oral or~~
2 ~~written and oral examinations for a license, certificate and~~
3 ~~registration;~~ Where medical imaging or radiation therapy
4 examinations are not available from a certification organization
5 recognized by the board, prepare, conduct, administer and grade
6 written, oral or written and oral examinations for a license,
7 certificate and registration;

8 (8) Determine the passing grade for the examinations;

9 (9) Maintain records of the examinations the board or a third
10 party administers, including the number of persons taking the
11 examination and the pass and fail rate;

12 (10) Maintain an office, and hire, discharge, establish the
13 job requirements and fix the compensation of employees and contract
14 with persons necessary to enforce the provisions of this article;

15 (11) Investigate alleged violations of the provisions of this
16 article, legislative rules, orders and final decisions of the
17 board;

18 (12) Conduct disciplinary hearings of persons regulated by the
19 board;

20 (13) Determine disciplinary action and issue orders;

21 (14) Institute appropriate legal action for the enforcement of
22 the provisions of this article;

23 (15) Maintain an accurate registry of names and addresses of
24 all persons regulated by the board;

1 (16) Keep accurate and complete records of its proceedings,
2 and certify the same as may be necessary and appropriate;

3 (17) Establish, by legislative rule, the continuing education
4 requirements for licensees and permittees; ~~certificate holders and~~
5 ~~registrants;~~ and

6 (18) Propose rules in accordance with the provisions of
7 article three, chapter twenty-nine-a of this code to implement the
8 provisions of this article.

9 (c) The board may:

10 (1) Contract with third parties to administer the examinations
11 required under the provisions of this article;

12 (2) Define, by legislative rule, the fees charged under the
13 provisions of this article;

14 (3) Issue, renew, deny, suspend, revoke or reinstate a
15 license, apprentice license, temporary license or permit;
16 ~~certificate and registration;~~

17 (4) Sue and be sued in its official name as an agency of this
18 state;

19 (5) Confer with the Attorney General or his or her assistant
20 in connection with legal matters and questions; and

21 (6) Take all other actions necessary and proper to effectuate
22 the purposes of this article.

23 **§30-23-7. Rule making.**

24 (a) The board shall propose rules for legislative approval, in

1 accordance with the provisions of article three, chapter twenty-
2 nine-a of this code, to implement the provisions of this article,
3 including:

4 (1) Standards and requirements for licensure, apprentice
5 licensure, temporary licensure and permits to practice medical
6 imaging or radiation therapy technology;

7 (2) Procedures for examinations and reexaminations;

8 (3) Requirements for third parties to prepare and/or
9 administer examinations and reexaminations;

10 (4) Educational and experience requirements, and the passing
11 grade on the examination;

12 (5) Standards for approval of courses;

13 (6) Procedures for the issuance and renewal of a license,
14 apprentice license, temporary licensure and permit;

15 (7) A fee schedule;

16 (8) Continuing education requirements for licensees and
17 permittees;

18 (9) The procedures for denying, suspending, revoking,
19 reinstating or limiting the practice of a licensee or permittee;

20 (10) Requirements for inactive or revoked licenses, apprentice
21 licenses, temporary licensure and permits; and

22 (11) Any other rules necessary to effectuate the provisions of
23 this article.

24 (b) All rules in effect on the effective date of this article

1 shall remain in effect until they are amended or repealed, and
2 references to provisions of former enactments of this act are
3 interpreted to mean provisions of this article.

4 **§30-23-8. Fees; special revenue account; administrative fines.**

5 (a) All fees and other moneys, except administrative fines,
6 received by the board shall be deposited in a separate special
7 revenue fund in the State Treasury designated the "Board of
8 Examiners of Medical Imaging Technology Fund", which fund is hereby
9 continued. The fund shall be used by the board for the
10 administration of this article. Except as may be provided in
11 article one of this chapter, the board shall retain the amounts in
12 the special revenue account from year to year. No compensation or
13 expense incurred under this article is a charge against the General
14 Revenue Fund.

15 (b) Any amounts received as fines imposed pursuant to this
16 article shall be deposited into the General Revenue Fund of the
17 State Treasury.

18 **§30-23-9. Requirements for Radiologic Technology license.**

19 (a) To be eligible for a license to practice radiologic
20 technology, the applicant must:

21 (1) Be of good moral character;

22 (2) Have a high school diploma or its equivalent;

23 (3) Have successfully completed an accredited program in

1 radiologic technology, as determined by an accreditation body
2 recognized by the board, from a school of radiologic technology
3 that has been approved by the board;

4 (4) Have passed the examination prescribed by the board,
5 which examination shall cover the basic subject matter of
6 Radiologic Technology, skills and techniques; and

7 (5) Not have been convicted of a felony under the laws of any
8 state or the United States within five years preceding the date of
9 application for licensure, which conviction remains unreversed;
10 and

11 (6) Not have been convicted of a misdemeanor or a felony
12 under the laws of any state or the United States at any time if
13 the offense for which the applicant was convicted related to the
14 practice of medical imaging, which conviction remains unreversed.

15 (b) A person seeking a radiologic technology license shall
16 submit an application on a form prescribed by the board and pay
17 the license fee, which fee shall be returned to the applicant if
18 the license application is denied.

19 (c) A Radiologic Technology license issued by the board prior
20 to July 1, 2009, shall for all purposes be considered a license
21 issued under this article.

22 **§30-23-10. Scope of Practice for a radiologic technologist.**

23 The scope of practice of a Radiologic Technologist includes
24 the following:

1 (1) Analysis and correlation of procedure requests and
2 clinical information provided by a physician or patient, or both,
3 for preprocedure determination of the appropriate exam, its
4 extent, and its scope;

5 (2) Evaluation of the physical, mental and emotional status
6 of the patient with respect to the ability to understand the risk
7 versus benefit of the procedure and to undergo the procedure
8 requested;

9 (3) Selection, preparation, and operation of medical imaging
10 equipment and accessories to perform procedures;

11 (4) Positioning patient to best demonstrate anatomy of
12 interest, while respecting patient's physical limitations and
13 comfort;

14 (5) Determination of imaging exposure factors, setting of
15 factors on control panel, and application of medical imaging
16 exposures;

17 (6) Application of radiation protection principles to
18 minimize radiation exposure to patient, self, and others;

19 (7) Evaluation of images for technical quality;

20 (8) Performance of noninterpretive fluoroscopic procedures
21 according to institutional policy;

22 (9) Oversight of image processing standards and the
23 appropriate labeling of images;

24 ~~(10) Administering contrast media after consultation with,~~

1 ~~and under the supervision of, a physician who is immediately and~~
2 ~~physically available;~~

3 (10) Establish or maintain, or both, intravenous infusion,
4 and
5 prepare and administer medications incidental to medical imaging
6 procedures, including, but not limited to, contrast agents, only
7 when ordered by a qualified physician, advanced nurse practitioner
8 or physician assistant who is immediately available: *Provided,*
9 That the technologist is currently certified in cardiopulmonary
10 resuscitation, and is educationally prepared and clinically
11 competent to do so. An institution may limit the scope of
12 practice for a technologist by institutional policy. However,
13 nothing contained in this provision may be construed to permit any
14 entity the authority to expand the scope of practice outlined in
15 this section.

16 (11) Maintaining values congruent with the profession's Code
17 of Ethics and scope of practice as well as adhering to national,
18 institutional ~~and/or~~ or departmental standards, or both, policies
19 and procedures regarding delivery of services and patient care;
20 ~~and~~

21 (12) Use aseptic technique and observe universal standard
22 precautions; and

23 (13) Performing any other duties that the board authorizes
24 for a Radiologic Technologist.

1 **§30-23-11. Scope of Practice for a Radiation Therapist.**

2 The scope of practice for a radiation therapist includes the
3 following:

4 (1) Providing radiation therapy services by contributing as
5 an essential member of the radiation oncology treatment team
6 through provision of total quality care of each patient undergoing
7 a prescribed course of treatment;

8 (2) Evaluating and assessing treatment delivery components;

9 (3) Providing radiation therapy treatment delivery services
10 to cure or improve the quality of life of patients by accurately
11 delivering a prescribed course of treatment;

12 (4) Evaluating and assessing daily, the physical and
13 emotional status of each patient to treatment delivery;

14 (5) Maintaining values congruent with the profession's Code
15 of Ethics and scope of practice as well as adhering to national,
16 institutional ~~and/or~~ or departmental standards, or both,
17 institutional and department standards, policies and procedures
18 regarding treatment delivery and patient care; ~~and~~

19 (6) Establish or maintain, or both establish and maintain,
20 intravenous infusion and prepare and administer medications
21 incidental to medical imaging procedures, including, but not
22 limited to, contrast agents, only when ordered by a qualified
23 physician, advanced nurse practitioner or physician assistant

1 who is immediately available: *Provided, That* the
 2 technologist is currently certified in cardiopulmonary
 3 resuscitation and is educationally prepared and clinically
 4 competent to do so. An institution may limit the scope of
 5 practice for a technologist by institutional policy.
 6 However, nothing contained in this provision may be construed
 7 to permit any entity the authority to expand the scope of
 8 practice outlined in this section.

9 (7) Use aseptic technique and observe universal standard
 10 precautions; and

11 (8) Performing any other duties that the board authorizes for
 12 a Radiation Therapist.

13 **§30-23-12. Exemptions from radiologic Ttchnology license.**

14 The following persons are not required to obtain a radiologic
 15 technology license in accordance with the provisions of this
 16 article:

17 (1) A medical imaging technology student enrolled in and
 18 attending an approved ~~school~~ program of medical imaging technology
 19 who as part of his or her course of study ~~applies~~ performs medical
 20 imaging technology to a human being under the supervision of a
 21 licensed medical imaging technologist;

22 (2) A person acting as a dental assistant or dental hygienist
 23 who under the supervision of a licensed dentist operates only

1 radiographic dental equipment for the sole purpose of dental
2 radiography of the oral cavity or ultrasonic equipment for dental
3 procedures;

4 (3) A person engaged in performing the duties of a medical
5 imaging technologist in the person's employment by an agency,
6 bureau or division of the government of the United States;

7 ~~(4) A licensed practitioner, Radiologist or Radiology~~
8 ~~resident;~~ A licensed practitioner or a resident performing
9 medical imaging authorized under their medical specialty's scope
10 of practice and authorized by the institution's or facility's
11 policies;

12 (5) A person licensed as a radiologist assistant under the
13 West Virginia Board of Medicine; ~~and~~

14 (6) A registered nurse licensed by the West Virginia Board
15 of Examiners for Registered Professional Nurses who performs
16 point-of-care ultrasound for immediate patient care (i.e. - fetal
17 positioning, bladder volume, ultrasound guided line inserts or
18 other examinations, or both, approved by the board);

19 (7) A Therapist or assistant (physical or Occupational),
20 licensed by the appropriate state licensing board, who uses
21 ultrasound for therapeutic purposes only; and

22 ~~(6)~~ (8) A person who demonstrated to the board, prior to July
23 1, 1999, that he or she:

24 (A) Had engaged in the practice of Radiologic Technology for

1 the limited purpose of performing bone densitometry in this state
2 for five or more years;

3 (B) Practiced under the supervision of a licensed
4 practitioner; and

5 (C) Received a densitometry technologist degree certified by
6 the International Society for Clinical Densitometry.

7 **§30-23-13. Requirements for temporary medical imaging and**
8 **Radiation Therapy technology license.**

9 (a) The board may issue a temporary medical imaging and
10 radiation therapy technology license to engage in the practice of
11 medical imaging and radiation therapy technology in this state to
12 an applicant who meets the qualifications for a medical imaging
13 and radiation therapy technology license, but has not passed the
14 examination.

15 (b) Temporary licenses expire as provided by rule.

16 **§30-23-14. Medical imaging and radiation therapy technology**
17 **license from another state; license to practice in**
18 **this state.**

19 The board may issue a license to practice medical imaging and
20 radiation therapy technology in this state, without requiring an
21 examination, to an applicant from another jurisdiction who:

22 (1) Is not a resident of this state;

23 (2) Is of good moral character:

1 (3) Holds a valid medical imaging and radiation therapy
2 technology license, certificate or other authorization, including
3 the American Registry of Radiologic Technologists, ~~or~~ Nuclear
4 Medicine Technology Certification Board, American Registry for
5 Diagnostic Medical Sonography, Cardiovascular Credentialing
6 International or equivalent to practice ~~Medical Imaging and~~
7 ~~Radiation Therapy Technology~~ the same medical imaging modality or
8 modalities in another jurisdiction and meets requirements which
9 are substantially equivalent to the medical imaging and radiation
10 therapy technology licensure requirements set forth in this
11 article;

12 (4) Is not currently being investigated by a disciplinary
13 authority of this state or another jurisdiction, does not have
14 charges pending against his or her license or other authorization
15 to practice medical imaging and radiation therapy technology, and
16 has never had a license or other authorization to practice medical
17 imaging and radiation therapy technology revoked;

18 (5) Has not previously failed an examination for licensure in
19 this state;

20 (6) Has paid all the applicable fees; and

21 (7) Has completed other action as required by the board.

22 **§30-23-15. Requirements for nuclear medicine technologist**

23 **license.** (a) To be eligible for a license to practice

1 Nuclear Medicine Technology, the applicant must:

2 (1) Be of good moral character;

3 (2) Have a high school diploma or its equivalent;

4 (3) Not have been convicted of a felony under the laws of any
5 state or the United States within five years preceding the date of
6 application for licensure, which conviction remains unreversed;

7 (4) Not have been convicted of a misdemeanor or a felony
8 under the laws of any state or the United States at any time if
9 the offense for which the applicant was convicted related to the
10 practice of medical imaging, which conviction remains unreversed.

11 (5) (A) National certification as a certified Nuclear
12 Medicine
13 Technologist (CNMT) or national certification as a Registered
14 Radiographer specializing in Nuclear Medicine (ARRT (N)) or;

15 ~~(5)~~ (B) Meet one of the following qualifications:

16 ~~(A)~~ (i) Have a baccalaureate or associate degree in one of
17 the physical or biological sciences pertaining to the medical
18 imaging or radiation therapy profession;

19 ~~(B)~~ (ii) Have a baccalaureate or associate degree in other
20 disciplines of medical imaging with successful completion of
21 courses in the following areas: college algebra, physics or
22 chemistry, human anatomy, physiology, and radiation safety;

23 ~~(C) National certification as a certified Nuclear Medicine~~
24 ~~Technologist (CNMT);~~

1 ~~(D)~~ National certification as a Registered Radiographer (ARRT
2 (R));

3 ~~(E) National certification as a Registered Radiographer~~
4 ~~specializing in Nuclear Medicine (ARRT (N)); or~~

5 ~~(F)~~ (D) National certification as a Radiation Therapist
6 (ARRT(T));

7 and

8 (6) Qualify for and pass an examination which has been
9 approved by the board, with a minimum passing scaled score of
10 seventy-five, ~~percent~~, which examination shall cover the basic
11 subject matter of medical imaging, radiation safety, skills and
12 techniques as it pertains to nuclear medicine technology.

13 (b) A person seeking a nuclear medicine technology license
14 shall submit an application on a form prescribed by the board and
15 pay the license fee, which fee shall be returned to the applicant
16 if the license application is denied.

17 (c) A nuclear medicine echnology license issued by the board
18 prior to July 1, 2007, shall for all purposes be considered a
19 license issued under this article: *Provided*, That a person
20 holding a nuclear medicine technology license issued prior to July
21 1, 2007, must renew the license pursuant to the provisions of this
22 article.

23 **§30-23-16. Scope of Practice for Nuclear Medicine Technologist.**

1 The scope of practice for Nuclear Medicine Technology
2 includes the following:

3 (1) The practice of diagnostic in-vivo procedures and in-
4 vitro procedures which include:

5 (A) Analysis and correlation of procedure request and
6 clinical information provided by the referring physician or
7 patient, or both, for determination of appropriate exam, extent,
8 and scope;

9 (B) Evaluation of the physical and emotional status of the
10 patient with respect to the ability to undergo the procedure
11 requested;

12 (C) Immediate predose review of patient's identification,
13 prescribed dose quantity and route of administration, and
14 identification of the test agent designed to prevent dose mis-
15 administration;

16 (D) Preparation of the appropriate radiopharmaceutical with
17 measurement of dose activity;

18 (E) Administration of appropriate diagnostic dose levels of
19 radiopharmaceuticals;

20 (F) Establish or maintain, or both establish and maintain,
21 intravenous infusion and prepare and administer medications
22 incidental to nuclear medicine procedures, including, but not
23 limited to, contrast agents, only when ordered by a qualified
24 physician, advanced nurse practitioner or physician assistant who

1 is immediately available: Provided, That the technologist is
2 currently certified in cardiopulmonary resuscitation and is
3 educationally prepared and clinically competent to do so. An
4 institution may limit the scope of practice for a technologist by
5 institutional policy. However, nothing contained in this
6 provision may be construed to permit any entity the authority to
7 expand the scope of practice outlined in this section.

8 (G) Use aseptic technique and observe universal standard
9 precautions;

10 (H) Administration of nonradioactive pharmaceuticals utilized
11 in conjunction with a nuclear medicine imaging or in-vivo
12 procedure, for example, cholecystokinin, furosemide, vitamin B12,
13 in accordance with hospital or facility procedures, excluding
14 narcotic and sedating medication;

15 ~~(G)~~ (I) Selection of appropriate imaging or test parameters,
16 or both;

17 ~~(H)~~ (J) Obtaining images according to established protocols
18 and any special views to optimize information as appropriate;

19 ~~(I)~~ (K) Placement of patient in proper position using
20 supportive materials and immobilizer as necessary;

21 ~~(J)~~ (L) Assuring appropriate image labeling as to patient;

22 ~~(K)~~ (M) Monitoring of patient and equipment during procedure
23 for determination and application of any corrective actions
24 necessary;

1 ~~(L)~~ (N) Monitoring of data collection and processing and
2 performance of technical analysis of test results;

3 ~~(M)~~ (O) Preparation and performance of laboratory in-vivo
4 nuclear medicine procedures, inclusive of the selection and
5 operation of laboratory counting equipment, performance of
6 calculations and data processing necessary for completion of lab
7 procedures and the submission of results to the physician or
8 licensee;

9 ~~(N)~~ (P) Oversight and application of image development; and

10 ~~(O)~~ (Q) Performance of in-vitro testing of serum, plasma, or
11 other body fluids using radio immunoassay, or similar ligand assay
12 methods.

13 (2) The practice for handling radiopharmaceuticals which
14 includes:

15 (A) Preparation, by means of tagging, compounding, etc, in
16 accordance with manufacturer's specifications;

17 (B) Measurement and calculation of activity of radionuclides
18 with a dose calibrator;

19 (C) Application of radioactive decay calculations to
20 determine required volume or unit form necessary to deliver the
21 prescribed radioactive dose; and

22 (D) Recording of radiopharmaceutical information on a
23 patient's permanent record.

24 (3) The practice for radionuclide therapy which includes:

1 (A) Assisting licensee in the preparation and applications of
2 therapeutic radionuclides;

3 (B) Oversight of radiation safety practices related to the
4 handling and administration of radiopharmaceuticals for therapy of
5 patients;

6 (C) Maintenance of records of radioactive material receipt,
7 use, storage, and disposal in accordance with regulatory
8 requirements;

9 (D) Oversight and enforcement of radiation safety policies,
10 practices, and regulations regarding the possession and use of
11 radioactive materials;

12 (E) Performance of radiation safety procedures such as
13 radiation survey and wipe testing of incoming radioactive
14 shipments and facility fixtures;

15 (F) Maintaining values congruent with the profession's code
16 of ethics and scope of practice as well as adhering to national,
17 institutional ~~and/or~~ or departmental standards, or both
18 institutional and departmental standards, policies and procedures
19 regarding delivery of services and patient care; and

20 (G) Performing any other duties that the board determines may
21 be performed by a nuclear medicine technologist.

22 (4) The scope of practice for a nuclear medicine technologist
23 or certified PET Technologist to operate a multimodality device,
24 i.e. PET/CT, SPECT/CT etc, requires that:

1 (A) A Nuclear Medicine Technologist, (ARRT(N) or NMTCB) or
2 certified PET Technologist may administer radiopharmaceuticals
3 ~~and/or~~ or ionizing radiation, or both radiopharmaceuticals and
4 ionizing radiation, from an integrated multimodality device, if
5 the ionizing radiation is produced for the sole purpose of
6 attenuation correction and considered an essential component of
7 the procedure, provided the licensee has obtained proper
8 documented training that has been approved by the board in the
9 radiation safety aspect of the operation of these units; and

10 (B) A licensed radiographer, (ARRT(R)), or Nuclear Medicine
11 Technologist with an additional certification by the ARRT or other
12 nationally recognized certifying body in computed tomography,
13 shall operate the computed tomography scanner if it is used for
14 any other diagnostic radiographic procedures.

15 **§30-23-17. Requirements for Magnetic Resonance Imaging**
16 **Technologist license.**

17 (a) To be eligible for a license to practice magnetic
18 resonance imaging technology, the applicant must:

19 (1) Be of good moral character;

20 (2) Have a high school diploma or its equivalent;

21 (3) Not have been convicted of a felony under the laws of any
22 state or the United States within five years preceding the date of
23 application for licensure, which conviction remains unreversed;

1 (4) Not have been convicted of a misdemeanor or a felony
2 under the laws of any state or the United States at any time if
3 the offense for which the applicant was convicted related to the
4 practice of medical imaging, which conviction remains unreversed;

5 (5) ~~(A) National certification as a certified Nuclear~~
6 ~~Medicine~~

7 ~~Technologist (CNMT) or national certification as a Registered~~
8 ~~Radiographer specializing in Nuclear Medicine (ARRT (N)) or;~~

9 ~~National certification as an MRI technologist (ARRT (MR) or~~
10 ~~ARMRIT);~~

11 ~~(5)~~ (B) Meet one of the following qualifications:

12 ~~(A)~~ (i) Have a baccalaureate or associate degree in one of
13 the physical or biological sciences pertaining to the medical
14 imaging or radiation therapy profession;

15 ~~(B)~~ (ii) Have a baccalaureate or associate degree in other
16 disciplines of medical imaging with successful completion of
17 courses in the following areas: College algebra, physics or
18 chemistry, human anatomy, physiology, and radiation safety;

19 ~~(C)~~ (iii) National certification as a certified Nuclear
20 Medicine Technologist (CNMT);

21 ~~(D)~~ (iv) National certification as a Registered Radiographer
22 (ARRT (R));

23 ~~(E)~~ (v) National certification as a Registered Radiographer
24 specializing in Nuclear Medicine (ARRT (N)); or

1 ~~(F)~~ (vi) National certification as a Radiation Therapist
 2 (ARRT(T); ~~or~~ and

3 ~~(G) National certification as an MRI technologist (ARRT (MR)~~
 4 ~~or ARMRT); and~~

5 (6) Qualify for and pass an examination which has been
 6 approved by the board, with a minimum passing scaled score of
 7 seventy-five, ~~percent~~, which examination shall cover the basic
 8 subject matter of medical imaging, radiation safety, skills and
 9 techniques as it pertains to magnetic resonance imaging.

10 (b) A person seeking a magnetic resonance imaging technology
 11 license shall submit an application on a form prescribed by the
 12 board and pay the license fee, which fee shall be returned to the
 13 applicant if the license application is denied.

14 (c) A magnetic resonance imaging technology license issued by
 15 the board prior to July 1, 2007, shall for all purposes be
 16 considered a license issued under this article: *Provided*, That a
 17 person holding a magnetic resonance imaging technology license
 18 issued prior to July 1, 2007, must renew the license pursuant to
 19 the provisions of this article.

20 **§30-23-18. Scope of Practice for Magnetic Resonance Imaging**
 21 **Technologist.**

22 The scope of practice for magnetic resonance imaging
 23 technology includes the following:

- 1 (1) Make arrangements with other departments for ancillary
2 patient services (e.g. transportation, anesthesia);
- 3 (2) Orient patient and family to requirements necessary for
4 the exam and instruct patient regarding preparation prior to
5 imaging procedures;
- 6 (3) Assist with scheduling patients and coordinating exams to
7 assure smooth work flow and review patient's chart to verify
8 physician's orders;
- 9 (4) Assist patient on and off the scanning table and maintain
10 communication and provide reassurance to patient throughout
11 scanning procedure;
- 12 (5) Obtain patient's medical history prior to scan and
13 observe patient's vital signs, O2 saturation, patient's level of
14 consciousness during scanning procedure, and observe patient's
15 physical status prior to discharge from the scanning procedure;
- 16 (6) Maintain controlled access to restricted area of strong
17 magnetic field to ensure safety of patients, visitors, and
18 hospital personnel and screen patient for ferrous and RF-sensitive
19 material prior to entrance into magnetic field;
- 20 (7) Evacuate patient in emergency situation (e.g, quench,
21 code, metallic object);
- 22 (8) Provide hearing protection to patient and others;
- 23 (9) Inspect equipment to make sure it is operable and safe
24 (e.g, coils, cables, door seals), perform document and interpret

1 the results of daily QC tests (center frequency, signal to noise,
2 image quality and artifacts);

3 (10) Monitor specific absorption rate (SAR) and cryogen
4 levels;

5 (11) Position patient according to type of study indicated
6 and enter patient's data needed to initiate scan;

7 (12) Establish or maintain, or both, intravenous infusion and
8 prepare and administer medications incidental to nuclear medicine
9 procedures, including, but not limited to, contrast agents, only
10 when ordered by a qualified physician, advanced nurse practitioner
11 or physician assistant who is immediately available: *Provided,*
12 That the technologist is currently certified in cardiopulmonary
13 resuscitation and is educationally prepared and clinically
14 competent to do so. An institution may limit the scope of
15 practice for a technologist by institutional policy. However,
16 nothing contained in this provision may be construed to permit any
17 entity the authority to expand the scope of practice outlined in
18 this section.

19 (13) Explain the risks of contrast media injections, obtain
20 signed consent form, determine appropriate dose required, program
21 or activate the power injector and administer the contrast media;

22 (14) Use aseptic technique and observe universal standard
23 precautions;

24 ~~(13)~~ (15) Select all parameters needed to obtain a highly

1 diagnostic image;

2 ~~(14)~~ (16) Archive images to or retrieve images from data
3 storage devices;

4 ~~(15)~~ (17) Evaluate quality of filmed images and reformat
5 images;

6 ~~(16)~~ (18) Perform automatic or manual frequency tuning;

7 ~~(17)~~ (19) Differentiate between normal and abnormal images to
8 assess completion of procedure;

9 ~~(18)~~ (20) Monitor image production and discriminate between
10 technically acceptable and unacceptable images;

11 ~~(19)~~ (21) Maintaining values congruent with the profession's
12 code of ethics and scope of practice as well as adhering to
13 national, institutional ~~and/or~~ or departmental standards, or both
14 institutional and departmental standards, policies and procedures
15 regarding delivery of services and patient care; and

16 ~~(20)~~ (22) Perform any other duties that the board authorizes.

17 **§30-23-19. Requirements for a sonographer license.**

18 This licensure is intended for operators of medical
19 ultrasound equipment who perform ultrasound for the purpose of
20 capturing images for submission to a physician for an
21 interpretation.

22 (a) To be eligible for a license to practice as a
23 sonographer, the applicant must:

24 (1) Be of good moral character;

1 (2) Have a high school diploma or its equivalent;

2 (3) Not have been convicted of a felony under the laws of any
3 jurisdiction within five years preceding the date of application
4 for licensure, which conviction remains unreversed;

5 (4) Not have been convicted of a misdemeanor or a felony
6 under the laws of any jurisdiction at any time if the offense for
7 which the applicant was convicted related to the practice of
8 medical imaging, which conviction remains unreversed.

9 (5) National certification as a diagnostic medical
10 sonographer, registered cardiac sonographer or registered vascular
11 sonographer; or

12 (7) Meet one of the following qualifications:

13 (A) Have a baccalaureate or associate degree in one of the
14 physical or biological sciences pertaining to the medical imaging
15 or radiation therapy profession;

16 (B) Have a baccalaureate or associate degree in other
17 disciplines of medical imaging with successful completion of
18 courses in the following areas: college algebra, physics or
19 chemistry, human anatomy, physiology and radiation safety;

20 (C) National certification as a certified Nuclear Medicine
21 Technologist (CNMT);

22 (D) National certification as a Registered Radiographer (ARRT
23 (R));

24 (E) National certification as a Registered Radiographer

1 specializing in Nuclear Medicine (ARRT (N));

2 (F) National certification as a Radiation Therapist (ARRT(T);

3 (G) National certification as an MRI technologist (ARRT (MR)

4 or ARMRIT);

5 (H) Registered nurse; and

6 (8) Qualify for and pass an examination which has been

7 approved by the board, with a minimum passing scaled score of

8 seventy-five, which examination shall cover the basic subject

9 matter of medical imaging, safety skills and techniques as it

10 pertains to diagnostic medical sonography.

11 (b) A person qualifying for a sonographer license as a

12 registered cardiac sonographer or registered vascular sonographer

13 can only perform ultrasound examinations as it relates to their

14 certification.

15 (c) A person seeking a sonographer license shall submit an

16 application on a form prescribed by the board and pay the license

17 fee, which fee shall be returned to the applicant if the license

18 application is denied.

19 **§30-23-19. Scope of practice for diagnostic medical sonography.**

20 The scope of practice for diagnostic medical sonography

21 includes the following:

22 (1) Perform sonography and related procedures pursuant to an

23 order or prescription of a licensed practitioner, advanced nurse

24 practitioner, nurse-midwife or physician assistant. These

1 procedures may be for diagnostic or therapeutic purposes;

2 (2) Prepare the patient for procedures, including providing
3 instructions to obtain desired results, gain cooperation and
4 minimize anxiety;

5 (3) Obtain or verify patient's clinical history and informed
6 consent in accordance with institutional policy;

7 (4) Use aseptic technique and observe universal standard
8 precautions;

9 (5) Select and operate medical ultrasound equipment and
10 related devices to achieve desired results;

11 (6) Position patient and equipment to best achieve desired
12 results, respecting patient ability and comfort while preventing
13 patient and sonographer injury;

14 (7) Use independent judgment and systematic problem solving
15 methods to produce high quality diagnostic information and
16 optimize patient care;

17 (8) Establish or maintain, or both establish and maintain,
18 intravenous infusion and prepare and administer medications
19 incidental to Sonography procedures, including, but not limited
20 to, contrast agents, only when ordered by a qualified physician,
21 advanced nurse practitioner or physician assistant who is
22 immediately available: *Provided,* That the sonographer is
23 currently certified in cardiopulmonary resuscitation, and is
24 educationally prepared and clinically competent to do so. An

1 institution may limit the scope of practice for a sonographer by
2 institutional policy. However, nothing contained in this
3 provision may be construed to permit any entity the authority to
4 expand the scope of practice outlined in this section.

5 (9) Document diagnostic and patient data and provide oral or
6 written preliminary findings to the licensed practitioner to aid
7 in patient diagnosis and management in accordance with
8 institutional policy;

9 (10) Maintain records and comply with confidentiality laws
10 and policies;

11 (11) Participate in quality assessment and improvement
12 activities in accordance with institutional policy;

13 (12) Provide basic life support as necessary;

14 (13) Provide patient education as necessary;

15 (14) Provide clinical instruction for students or other
16 health care professionals, or both students and other health care
17 professionals, as necessary in accordance with institutional
18 policy;

19 (15) Adhere to the principle of "As Low As Reasonably
20 Achievable" (ALARA) for patient exposure to nonionizing radiation;

21 (16) Maintain values congruent with the profession's Code of
22 Ethics and scope of practice as well as adhere to national,
23 institutional or departmental standards, or both institutional and
24 departmental standards, policies and procedures regarding delivery

1 of services and patient care; and

2 (17) Perform any other duties that the board authorizes for
3 a sonographer.

4 **§30-23-20. Requirements for an apprentice license for nuclear**
5 **medicine technologists, and magnetic resonance**
6 **imaging technologists and diagnostic medical**
7 **sonographer.**

8 (a) The board may issue an apprentice license to an
9 individual who is practicing as a nuclear medicine technologist or
10 a magnetic resonance imaging technologist prior to July 1, 2007
11 but has not obtained certification in the ~~discipline~~ imagine
12 modality. A notarized letter, signed by the individual's
13 supervising licensed physician, must be submitted with the
14 individual's application, stating that the individual has
15 performed the duties of a nuclear medicine technologist or
16 magnetic resonance imaging technologist prior to July 1, 2007.

17 (b) The board may issue an apprentice license to an
18 individual who is practicing as a diagnostic medical sonographer
19 prior to July 1, 2011 but has not obtained certification in the
20 imaging modality. A notarized letter, signed by the individual's
21 supervising licensed physician, must be submitted with the
22 individual's application, stating that the individual has
23 performed the duties of a diagnostic medical sonographer prior to

1 July 1, 2011.

2 ~~(b)~~ (c) ~~The~~ An apprentice license is valid for one year. An
3 apprentice license may be renewed annually for an additional four
4 years, giving the individual a total of five years to ~~complete~~
5 meet the requirements and successfully pass the certification
6 examination for a nuclear medicine technologist license or a
7 magnetic resonance imaging technologist license or a diagnostic
8 medical sonographer license. All individuals possessing an
9 apprentice license must work under the supervision of a licensed
10 practitioner for MRI and sonography, an authorized user for
11 nuclear medicine or ~~a technologist~~ an individual who is licensed
12 in that discipline.

13 ~~(c)~~ (d) Any individual possessing a valid medical imaging
14 license issued by the board and seeks to cross-train in the
15 discipline of nuclear medicine technology or magnetic resonance
16 imaging technology or a diagnostic medical sonographer license,
17 may obtain an apprentice license in that discipline for the
18 purpose of obtaining the necessary clinical experience
19 requirements in order to qualify to sit for the required
20 examination. This apprentice license will be valid for one year
21 and renewable for four years, ~~giving~~ allowing a cross-trained
22 individual five years to obtain certification in the discipline.

23 **§30-23-21. Requirements for podiatric medical assistant permit.**

24 (a) To be eligible for a podiatric medical assistant permit

1 to perform podiatric radiographs, the applicant must:

2 (1) Be of good moral character;

3 (2) Have a high school diploma or its equivalent;

4 (3) Pass a written examination for certification from the
5 American Society of Podiatric Medical Assistants (ASPMA);

6 (4) Maintain an active certification in the American Society
7 of Podiatric Medical Assistants (ASPMA) and meet all requirements
8 of that organization including the continuing education
9 requirements;

10 (5) Not have been convicted of a felony under the laws of any
11 state or the United States within five years preceding the date of
12 application for licensure, which conviction remains unreversed;
13 and

14 (6) Not have been convicted of a misdemeanor or felony under
15 the laws of any state or the United States at any time if the
16 offense for which the applicant was convicted related to the
17 practice of radiologic technology, which conviction remains
18 unreversed.

19 (b) A person seeking a podiatric medical assistant permit
20 shall submit an application on a form prescribed by the board and
21 pay the permit fee, which fee shall be returned to the applicant
22 if the permit application is denied.

23 Upon application for renewal, the permittee shall submit
24 documentation of an active certification in ASPMA and payment of

1 a renewal fee.

2 (c) A podiatric medical assistant permit issued by the board
3 prior to July 1, 2007, shall for all purposes be considered a
4 permit issued under this article: *Provided*, That a person holding
5 a Podiatric Medical Assistant permit issued prior to July 1, 2007,
6 must renew the permit pursuant to the provisions of this article.

7 **§30-23-22. Scope of practice for podiatric medical assistants.**

8 The scope of practice for a podiatric medical assistant
9 includes the following:

10 (a) The use of equipment specifically designed for the
11 performance of foot or ankle podiatric radiographs, as approved by
12 the board; and

13 (b) Performed under the supervision of a licensed Podiatrist.

14 **§30-23-23. License and permit renewal requirements.**

15 (a) A licensee and permittee shall annually renew his or her
16 license or permit by completing a form prescribed by the board,
17 paying a renewal fee, and submitting any other information
18 required by the board.

19 (b) The board shall charge a fee for each renewal of a
20 license or permit and a late fee for any renewal not paid in a
21 timely manner.

22 (c) The board shall require as a condition for the renewal of
23 a license and permit that each licensee or permittee complete

1 continuing education requirements.

2 (d) The board may deny an application for renewal for any
3 reason which would justify the denial of an original application
4 for a license or permit.

5 (e) An application submitted electronically for a license,
6 renewal of a license or a temporary license shall be considered as
7 signed by the applicant.

8 **§30-23-24. Display of license.**

9 (a) The board shall prescribe the form for a license and
10 permit and may issue a duplicate license or permit, upon payment
11 of a fee.

12 (b) A licensee or permittee shall conspicuously display his
13 or her license or permit at his or her principal place of
14 practice. A photocopy of the original license or permit shall be
15 conspicuously displayed at his or her secondary place of
16 employment.

17 ~~(c) A permittee shall conspicuously display his or her permit~~
18 ~~at his or her principal place of practice. A photocopy of the~~
19 ~~original permit shall be conspicuously displayed at his or her~~
20 ~~secondary place of employment.~~

21 **§30-23-25. Complaints; investigations; due process procedure;**
22 **grounds for disciplinary action.**

23 ~~(a) The board may refuse to issue, refuse to renew, suspend,~~

1 ~~revoke or limit any license, apprentice license, permit or~~
2 ~~practice privilege and may take disciplinary action against a~~
3 ~~licensee or permittee who, after notice and a hearing, has been~~
4 ~~adjudged by the board as unqualified for any of the following~~
5 ~~reasons:~~

6 ~~(1) Fraud, misrepresentation or deceit in obtaining or~~
7 ~~maintaining a license or permit;~~

8 ~~(2) Failure by any licensee or permittee to maintain~~
9 ~~compliance with the requirements for the issuance or renewal of a~~
10 ~~license, apprentice license or permit;~~

11 ~~(3) Dishonesty, fraud, professional negligence in the~~
12 ~~performance of medical imaging or radiation therapy technology, or~~
13 ~~a willful departure from the accepted standards of practice and~~
14 ~~professional conduct;~~

15 ~~(4) Violation of any provision of this article or any rule~~
16 ~~promulgated hereunder;~~

17 ~~(5) Violation of any professional standard or rule of~~
18 ~~professional conduct;~~

19 ~~(6) Failure to comply with the provisions of this article or~~
20 ~~any rule promulgated hereunder;~~

21 ~~(7) Failure to comply with any order or final decision of the~~
22 ~~board;~~

23 ~~(8) Failure to respond to a request or action of the board;~~

24 ~~(9) Conviction of a crime involving moral turpitude;~~

1 ~~(10) Conviction of a felony or a crime involving dishonesty~~
2 ~~or fraud or any similar crime under the laws of the United States,~~
3 ~~this state or another jurisdiction, if the underlying act or~~
4 ~~omission involved would have constituted a crime under the laws of~~
5 ~~this state;~~

6 ~~(11) Knowingly using any false or deceptive statements in~~
7 ~~advertising;~~

8 ~~(12) Any conduct adversely affecting the licensee's or~~
9 ~~permittee's fitness to perform Medical Imaging or Radiation~~
10 ~~Therapy Technology; or~~

11 ~~(13) Except in emergency situations, failed to obtain written~~
12 ~~authorization from the attending licensed practitioner or from the~~
13 ~~patient and if the patient is a minor, from a parent or a person~~
14 ~~having custody of the minor.~~

15 ~~(b) The board shall suspend or revoke any license or permit~~
16 ~~if it finds the existence of any grounds which would justify the~~
17 ~~denial of an application for such license or permit if application~~
18 ~~were then being made for it.~~

19 ~~(c) If the board suspends, revokes, refuses to issue, refuses~~
20 ~~to renew or limits any license, permit or practice privilege, the~~
21 ~~board shall make and enter an order to that effect and give~~
22 ~~written notice of the order to the person by certified mail,~~
23 ~~return receipt requested, which order shall include a statement of~~
24 ~~the charges setting forth the reasons for the action, and notice~~

1 ~~of the date, time and place of the hearing. If a license or~~
2 ~~permit is ordered suspended or revoked, then the licensee or~~
3 ~~permittee shall, within twenty days after receipt of the order,~~
4 ~~return the license, apprentice license or permit to the board.~~
5 ~~The hearing shall be held in accordance with the provisions of~~
6 ~~this article.~~

7 ~~(d) Disciplinary action includes, but is not limited to, a~~
8 ~~reprimand, censure, probation, administrative fines, and mandatory~~
9 ~~attendance at continuing education seminars.~~

10 (a) The board may upon its own motion based on credible
11 information, and shall upon the written complaint of any person,
12 cause an investigation to be made to determine whether grounds
13 exist for disciplinary action under this article or the
14 legislative rules promulgated pursuant to this article.

15 (b) Upon initiation or receipt of the complaint, the board
16 shall provide a copy of the complaint to the licensee or
17 permittee.

18 (c) After reviewing any information obtained through an
19 investigation, the board shall determine if probable cause exists
20 that the licensee or permittee has violated subsection (g) of this
21 section or rules promulgated pursuant to this article.

22 (d) Upon a finding that probable cause exists that the
23 licensee or permittee has violated subsection (g) of this section
24 or rules promulgated pursuant to this article, the board may enter

1 into a consent decree or hold a hearing for the suspension or
2 revocation of the license or permit or the imposition of sanctions
3 against the licensee or permittee. Any hearing shall be held in
4 accordance with the provisions of this article.

5 (e) Any member of the board or the executive director of the
6 board may issue subpoenas and subpoenas duces tecum to obtain
7 testimony and documents to aid in the investigation of allegations
8 against any person regulated by the article.

9 (f) Any member of the board or its executive director may
10 sign a consent decree or other legal document on behalf of the
11 board.

12 (g) The board may, after notice and opportunity for hearing,
13 deny or refuse to renew, suspend, restrict or revoke the license
14 or permit of, or impose probationary conditions upon or take
15 disciplinary action against, any licensee or permittee for any of
16 the following reasons once a violation has been proven by a
17 preponderance of the evidence:

18 (1) Obtaining a license or permit by fraud, misrepresentation
19 or concealment of material facts;

20 (2) Being convicted of a felony or other crime involving
21 moral turpitude;

22 (3) Being guilty of unprofessional conduct which placed the
23 public at risk, as defined by legislative rule of the board;

24 (4) Intentional violation of a lawful order or legislative

1 rule of the board;

2 (5) Having had a license or other authorization revoked or
3 suspended, other disciplinary action taken or an application for
4 licensure or other authorization revoked or suspended by the
5 proper authorities of another jurisdiction;

6 (6) Aiding or abetting unlicensed practice; or

7 (7) Engaging in an act while acting in a professional
8 capacity which has endangered or is likely to endanger the health,
9 welfare or safety of the public.

10 (h) For the purposes of subsection (g) of this section,
11 effective July 1, 2011, disciplinary action may include:

12 (1) Reprimand;

13 (2) Probation;

14 (3) Restrictions;

15 (4) Administrative fine, not to exceed \$1,000 per day per
16 violation;

17 (5) Mandatory attendance at continuing education seminars or
18 other training;

19 (6) Practicing under supervision or other restriction; or

20 (7) Requiring the licensee or permittee to report to the
21 board for periodic interviews for a specified period of time.

22 (i) In addition to any other sanction imposed, the board may
23 require a licensee or permittee to pay the costs of the
24 proceeding.

1 §30-23-25. Procedures for hearing; right of appeal.

2 ~~(a) The board may, on its own motion, conduct an~~
3 ~~investigation to determine whether there are any grounds for~~
4 ~~disciplinary action against a licensee or permittee. The board~~
5 ~~shall, upon the verified written complaint of any person, conduct~~
6 ~~an investigation to determine whether there are any grounds for~~
7 ~~disciplinary action against a licensee or permittee. For the~~
8 ~~purposes of an investigation, a member of the board or the~~
9 ~~executive director of the board may issue subpoenas and subpoenas~~
10 ~~duces tecum to obtain testimony and documents to aid in the~~
11 ~~investigation.~~

12 ~~(b) Upon receipt of a written complaint filed against any~~
13 ~~licensee or permittee, the board shall provide a copy of the~~
14 ~~complaint to the licensee or permittee.~~

15 ~~(c) If the board finds, upon investigation, that probable~~
16 ~~cause exists that the licensee or permittee has violated any~~
17 ~~provision of this article or the rules promulgated hereunder, then~~
18 ~~the board shall serve the licensee or permittee with a written~~
19 ~~statement of charges and a notice specifying the date, time and~~
20 ~~place of the hearing. The hearing shall be held in accordance~~
21 ~~with the provisions of this article.~~

22 (a) Hearings are governed by the provisions of section eight,
23 article one of this chapter.

24 (b) The board may conduct the hearing or elect to have an

1 administrative law judge conduct the hearing.

2 (c) If the hearing is conducted by an administrative law
3 judge, at the conclusion of a hearing, the administrative law
4 judge shall prepare a proposed written order containing findings
5 of fact and conclusions of law. The proposed order may contain
6 proposed disciplinary actions if the board so directs. The board
7 may accept, reject or modify the decision of the administrative
8 law judge.

9 (d) Any member or the executive director of the board may
10 administer oaths, examine any person under oath and issue
11 subpoenas and subpoenas duces tecum.

12 (e) If, after a hearing, the board determines the licensee or
13 permittee has violated provisions of this article or the board's
14 rules, a formal written decision shall be prepared which contains
15 findings of fact, conclusions of law and a specific description of
16 the disciplinary actions imposed.

17 **§30-23-26. Hearing and judicial review.**

18 ~~(a) Any person adversely affected by an order entered by the~~
19 ~~board is entitled to a hearing. A hearing on a statement of the~~
20 ~~charges shall be held in accordance with the provisions for~~
21 ~~hearings set forth in article one of this chapter and the~~
22 ~~procedures specified by the board by rule.~~

23 ~~(b) Either party may elect to have an administrative law~~
24 ~~judge or hearing examiner conduct the hearing and must notify the~~

1 ~~other party of the election. The administrative law judge or~~
2 ~~hearing examiner, at the conclusion of a hearing, shall prepare a~~
3 ~~proposed order which shall contain findings of fact and~~
4 ~~conclusions of law. Disciplinary action may be a part of the~~
5 ~~proposed order, or the board may reserve this obligation for its~~
6 ~~consideration. The board may accept, reject or modify the~~
7 ~~decision of the administrative law judge or hearing examiner.~~

8 ~~(c) For the purpose of conducting a hearing, a member of the~~
9 ~~board or the executive director of the board may issue subpoenas~~
10 ~~and subpoenas duces tecum which shall be issued, served, and~~
11 ~~enforced as specified in section one, article five, chapter~~
12 ~~twenty-nine-a of this code, and all of the said section one~~
13 ~~provisions dealing with subpoenas and subpoenas duces tecum shall~~
14 ~~apply to subpoenas and subpoenas duces tecum issued for the~~
15 ~~purpose of a hearing hereunder.~~

16 ~~(d) If, after a hearing, the board determines the licensee or~~
17 ~~permittee has violated any provision of this article, or the~~
18 ~~board's rules, a formal decision shall be prepared and signed by~~
19 ~~a member of the board or the executive director of the board,~~
20 ~~which contains findings of fact, conclusions of law and~~
21 ~~specifically lists the disciplinary actions imposed.~~

22 ~~(e) Any licensee or permittee adversely affected by any~~
23 ~~decision of the board entered after a hearing, may obtain judicial~~
24 ~~review of the decision in accordance with section four, article~~

1 ~~five, chapter twenty-nine-a of this code, and may appeal any~~
2 ~~ruling resulting from judicial review in accordance with article~~
3 ~~five, chapter twenty-nine-a of this code.~~

4 ~~(f) In addition to any other sanction imposed, the board may~~
5 ~~require a licensee or permittee to pay the costs of the~~
6 ~~proceeding.~~

7 Any licensee or permittee adversely affected by a decision of
8 the board entered after a hearing may obtain judicial review of
9 the decision in accordance with section four, article five,
10 chapter twenty-nine-a of this code, and may appeal any ruling
11 resulting from judicial review in accordance with article six,
12 chapter twenty-nine-a of this code.

13 **§30-23-27. Injunctions.**

14 (a) When, by reason of an investigation under this article or
15 otherwise, the board or any other interested person believes that
16 a person has violated or is about to violate any provision of this
17 article, any rule promulgated hereunder, any order of the board or
18 any final decision of the board, the board or any other interested
19 person may apply to any court of competent jurisdiction for an
20 injunction against such person enjoining such person from the
21 violation. Upon a showing that the person has engaged in or is
22 about to engage in any prohibited act or practice, an injunction,
23 restraining order or other appropriate order may be granted by the
24 court without bond.

1 (b) The board may fine ~~and/or~~ or issue cease and desist
2 orders, or both fine and issue cease and desist orders, against
3 individuals ~~and/or~~ or firms, or both individuals and firms, found
4 to be in violation of the provisions of this article or any rule
5 adopted thereunder.

6 (c) A cause of action by the board may be brought in the
7 circuit court of Kanawha County or in the circuit court of the
8 county where the cause of action took place.

9 **§30-23-28. Criminal proceedings; penalties.**

10 (a) When, as a result of an investigation under this article
11 or otherwise, the board has reason to believe that a person has
12 knowingly violated the provisions of this article, the board may
13 bring its information to the attention of the Attorney General or
14 other appropriate law-enforcement officer who may cause
15 appropriate criminal proceedings to be brought.

16 (b) If a court of law finds that a person knowingly violated
17 any provision of this article, any rule promulgated hereunder, any
18 order of the board or any final decision of the board, then the
19 person is guilty of a misdemeanor and, upon conviction thereof,
20 shall be fined not less than one hundred dollars and no more than
21 \$1,000 for each violation, imprisoned for up to six months for
22 each violation, or both fined and imprisoned.

23 **§30-23-29. Single act evidence of practice.**

24 In any action brought or in any proceeding initiated under

1 this article, evidence of the commission of a single act
2 prohibited by this article is sufficient to justify a penalty,
3 injunction, restraining order or conviction without evidence of a
4 general course of conduct.

NOTE: The purpose of this bill is to revise the article on radiologic technologists; the practice of medical imaging and radiation therapy and renaming the Medical Imaging and Radiation Therapy Technology Board of Examiners the West Virginia Medical Imaging and Radiation Therapy Technology Board. The original §30-23-1 dealing with licensing requirements is repealed. The remaining sections in this article have been renumbered and are treated as having been amended and reenacted with appropriate strikethroughs or underscoring. If the only change is in the section heading, the entire section is underscored.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.