

Senate Bill No. 616

(By Senators Stollings and Foster)

[Introduced February 16, 2012; referred to the Committee on
Government Organization.]

10 A BILL to repeal §30-23-1 of the Code of West Virginia, 1931, as
11 amended; to amend and reenact §30-23-2, §30-23-4, §30-23-5,
12 §30-23-6, §30-23-7, §30-23-10, §30-23-11, §30-23-12, §30-23-
13 14, §30-23-15, §30-23-16, §30-23-17, §30-23-18, §30-23-19,
14 §30-23-22, §30-23-23, §30-23-24, §30-23-25, §30-23-26 and §30-
15 23-27 of said code; and to amend said code by adding thereto
16 two new sections, designated §30-23-18a and §30-23-18b, all
17 relating to radiologic technologists; defining the practice of
18 "medical imaging" and "radiation therapy"; defining additional
19 terms; renaming the Medical Imaging and Radiation Therapy
20 Technology Board of Examiners the West Virginia Medical
21 Imaging and Radiation Therapy Technology Board; setting out
22 the powers and duties of the board; establishing rulemaking;
23 setting out requirements for radiologic technology license and
24 exemptions; establishing the scope of practice for a

1 radiologic technologist; establishing the scope of practice
2 for a radiation therapist; setting out the requirements for
3 temporary medical imaging and radiation therapy technology
4 license; setting out requirements regarding license from
5 another state and license to practice in this state; providing
6 requirements for nuclear medicine technologist license and
7 scope of practice; providing for requirements for magnetic
8 resonance imaging technologist license and scope of practice;
9 setting out requirements for sonographer license and scope of
10 practice; setting out requirements for an apprentice license
11 for nuclear medicine technologists, magnetic resonance imaging
12 technologists and diagnostic medical sonographer; setting out
13 requirements for podiatric medical assistant permit and scope
14 of practice; establishing license and permit renewal
15 requirements; setting out display of license requirements;
16 clarifying complaint, investigation, due process procedure and
17 grounds for disciplinary action; clarifying procedures for
18 hearing, right of appeal and judicial review; setting forth
19 injunction procedure; and clarifying criminal proceedings and
20 misdemeanor penalties.

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

22 That §30-23-1 of the Code of West Virginia, 1931, as amended,
23 be repealed; that §30-23-2, §30-23-4, §30-23-5, §30-23-6, §30-23-7,
24 §30-23-10, §30-23-11, §30-23-12, §30-23-14, §30-23-15, §30-23-16,

1 §30-23-17, §30-23-18, §30-23-19, §30-23-22, §30-23-23, §30-23-24,
2 §30-23-25, §30-23-26 and §30-23-27 of said code be amended and
3 reenacted; and that said code be amended by adding thereto two new
4 section, designated §30-23-18A and §30-23-18b, all to read as
5 follows:

6 **ARTICLE 23. RADIOLOGIC TECHNOLOGISTS.**

7 **§30-23-2. Unlawful acts.**

8 (a) It is unlawful for any person to practice or offer to
9 practice medical imaging or radiation therapy technology in this
10 state without a license, apprentice license, temporary license, or
11 podiatry medical assistant permit issued under the provisions of
12 this article, or advertise or use any title or description tending
13 to convey the impression that the person is a licensed medical
14 imaging technologist or radiation therapy technologist, unless such
15 person has been duly licensed under the provisions of this article,
16 and such license, apprentice license, temporary license, or
17 podiatry medical assistant permit has not expired, been suspended
18 or revoked.

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

23 **§30-23-4. Definitions.**

24 As used in this article, the following words and terms have

1 the following meanings, unless the context clearly indicates
2 otherwise:

3 ~~(a) "ASPMA" means the American Society of Podiatric Medical~~
4 ~~Assistants.~~

5 (1) "ARDMS" means the American Registry for Diagnostic Medical
6 Sonography.

7 ~~(b) (2) "ARMRIT" means the American Registry of Magnetic~~
8 ~~Resonance Imaging Technologists.~~

9 ~~(c) (3) "ARRT" means the American Registry of Radiologic~~
10 ~~Technologist.~~

11 (4) "ASPMA" means the American Society of Podiatric Medical
12 Assistants.

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

19 (6) "Advanced nurse practitioner" means a person licensed as
20 an advanced nurse practitioner.

21 (7) "Apprentice license" means a license issued by the board
22 to:

23 (A) Provide a grace period following enactment of provisions
24 of this article for implementation of certification requirements

1 for those persons who have been practicing a specific medical
2 imaging modality but have not earned the certification required by
3 the board for licensure;

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

5 (8) "Approved school" means an educational program in a
6 medical imaging modality or subspecialty that has been accredited
7 by a nationally recognized accreditation organization that is
8 recognized by the board and whose graduates are qualified to sit
9 for a certification examination recognized by the board in the
10 graduate's medical imaging modality or subspecialty.

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

13 ~~(e)~~ (10) "Business entity" means any firm, partnership,
14 association, company, corporation, limited partnership, limited
15 liability company or other entity providing medical imaging or
16 radiation therapy technology.

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

19 (12) "CCI" means Cardiovascular Credentialing International.

20 (13) "CMA" means the Canadian Medical Association.

21 (14) "Certification organization" means a nationally
22 recognized organization recognized by the board that issues
23 credentials through testing or evaluations that determine that a
24 person meets defined standards for training and competence in a

1 medical imaging or radiation therapy modality.

2 ~~(f)~~ (15) "Dental X-rays" means X-rays taken of the oral cavity
3 with x-ray units designed for this specific performance.

4 (16) "Diagnostic medical sonography" means the use of
5 nonionizing high frequency soundwaves with specialized equipment to
6 direct the sound waves into areas of the human body for the
7 assessment and diagnosis of various medical conditions.

8 (17) "Graduate" means an individual who has completed the
9 didactic and clinical education at an approved school, including
10 documented clinical proficiency, but who has not met all
11 requirements for certification by a certification organization.

12 (18) "JRC-CVT" means the Joint Review Committee on
13 Cardiovascular Technology.

14 (19) "JRC-DMS" means the Joint Review Committee on Education
15 in Diagnostic Medical Sonography.

16 ~~(g)~~ (20) "JRCERT" means the Joint Review Committee on
17 Education in Radiologic Technology.

18 ~~(h)~~ (21) "JRCNMT" means the Joint Review Committee on
19 Education Programs in Nuclear Medicine Technology.

20 ~~(i)~~ (22) "License" means a medical imaging and radiation
21 therapy technology license issued under the provisions of this
22 article.

23 ~~(j)~~ (23) "Licensed practitioner" means a person licensed in
24 West Virginia to practice medicine, chiropractic, podiatry,

1 osteopathy or dentistry.

2 ~~(k)~~ (24) "Licensee" means a person holding a license issued
3 under the provisions of this article.

4 ~~(l)~~ (25) "Magnetic resonance imaging or MRI" means the
5 performance of medical imaging using radio waves, magnetic fields
6 and a computer to produce images of the body tissues.

7 ~~(m)~~ ~~"Medical Imaging" means the use of ionizing radiation,~~
8 ~~electromagnetic radiation, or radioactivity for evaluation of body~~
9 ~~tissue in order to diagnose injury and disease by means of image~~
10 ~~production.~~

11 (26) "Medical imaging" means image production through the use
12 of ionizing, nonionizing or electromagnetic radiation, high
13 frequency sound waves or radioactivity for diagnostic evaluation of
14 human anatomy, tissue, organs or other therapeutic purposes
15 pursuant to an order or prescription by a licensed practitioner.

16 (27) "Medical Imaging/Radiation Therapy" modality means:

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

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

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

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

21 (E) Radiography and all its subspecialties.

22 ~~(n)~~ (28) "NMTCB" means the Nuclear Medicine Technology
23 Certification Board.

24 ~~(o)~~ (29) "Nuclear medicine technologist" means a person

1 holding a nuclear medicine license issued under the provisions of
2 this article.

3 ~~(p)~~ (30) "Nuclear medicine technology" means the compounding,
4 calibrating, dispensing and administrating of radio-
5 pharmaceuticals, pharmaceuticals and radio-nuclides under the
6 direction of an individual listed as an authorized user by the U.S.
7 Nuclear Regulatory Commission for the production of images for
8 diagnosis and/or treatment of various disorders.

9 (31) "Nurse midwife" means a person licensed as a nurse
10 midwife pursuant to the provisions of article fifteen of this
11 chapter.

12 (32) "Permit" means a podiatric medical assistant permit
13 issued under the provisions of this article.

14 ~~(q)~~ (33) "Permittee" means any person holding a podiatric
15 medical assistant permit issued pursuant to the provisions of this
16 article.

17 ~~(r)~~ (34) "PET/CT Technologist" means an individual recognized
18 by the board as qualified to operate a PET/CT scanner.

19 ~~(s)~~ (35) "PET/CT Technology" means the operation of a Positron
20 Emission Tomography/Computerized Tomography scanner to view
21 internal images of the body.

22 (36) "Physician assistant" means a person licensed or
23 certified as a physician assistant by the Board of Medicine
24 pursuant to the provisions of article three, section sixteen of

1 this chapter or the Board of Osteopathy pursuant to the provisions
2 of article fourteen-a of this chapter.

3 ~~(t)~~ (37) "Podiatric medical assistant" means a person who has
4 been issued a permit under the provisions of this article, to
5 perform podiatric radiographs.

6 ~~(u)~~ (38) "Podiatric radiographs" means radiographs confined to
7 the foot and ankle performed on dedicated podiatric X-ray
8 equipment.

9 (39) "Point-of-care ultrasound" means the use of ultrasound in
10 real-time fashion or make immediate assessments in patient care and
11 where the qualifications and expertise of the operator of such
12 equipment is limited to basic equipment operations.

13 ~~(v)~~ (40) "Practice of medical imaging and radiation therapy
14 technology" means the practice of radiologic technology, radiation
15 therapy, nuclear medicine technology and magnetic resonance imaging
16 technology.

17 ~~(w)~~ (41) "Radiologic technologist" means a person, other than
18 a licensed practitioner, who applies medical imaging or assists in
19 the application of ionizing radiation to human beings for
20 diagnostic or therapeutic purposes as prescribed by a licensed
21 practitioner.

22 ~~(x)~~ (42) "Radiologic technology" means the application of
23 ionizing radiation or assisting in the application of ~~medical~~
24 ~~imaging~~ ionizing radiation to human beings for diagnostic or

1 therapeutic purposes as prescribed by a licensed practitioner.

2 ~~(y)~~ (43) "Radiologist" means a licensed practitioner who has
3 successfully completed a residency in the field of radiology and
4 specializes in the use of medical imaging for the diagnosis or
5 treatment of disease.

6 ~~(z)~~ (44) "Radiologist assistant or RA" means an individual who
7 is licensed under the rules of the West Virginia Board of Medicine
8 and has completed specialized training from an accredited program
9 in the profession and passed a written examination as recognized by
10 the West Virginia Board of Medicine.

11 ~~(aa)~~ (45) "Radiology resident" means a licensed practitioner
12 who is in training to become a radiologist and who uses medical
13 imaging in the diagnosis or treatment of disease, under the
14 supervision of a radiologist.

15 (46) "Sonographer" or "diagnostic medical sonographer" means
16 a person who provides patient care services using ultrasound and
17 includes a vascular sonographer, echocardiographer or other
18 licensed practitioner.

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

23 ~~(cc)~~ (48) "Technology" means medical imaging technology or
24 radiation therapy technology.

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

5 (50) "Ultrasound" means the use of nonionizing high frequency
6 soundwaves above 20,000 cycles per second (Hz) with specialized
7 equipment to direct the sound waves into areas of the human body to
8 generate images for the assessment, diagnosis and treatment of
9 various medical conditions.

10 **§30-23-5. Medical Imaging and Radiation Therapy Board.**

11 (a) The West Virginia Medical Imaging and Radiation Therapy
12 Technology Board of Examiners is continued. Effective July 1,
13 2012, the board shall be renamed the West Virginia Medical [Imaging](#)
14 and Radiation Therapy Board. The members of the board in office,
15 unless sooner removed, continue to serve until their respective
16 terms expire and until their successors have been appointed and
17 qualified.

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

21 (1) One Radiologic health specialist from the Radiation,
22 Toxics and Indoor Air Division of the West Virginia Department of
23 Health and Human Resources;

24 (2) Three licensed practitioners, ~~two of whom~~ one shall be

1 ~~Radiologists~~ a radiologist;

2 (3) Three licensed Radiologic Technologists, one of whom shall
3 be an active medical imaging educator;

4 (4) One licensed nuclear medicine technologist;

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

6 (6) One licensed radiation therapist;

7 (7) One licensed sonographer; and

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

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

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

21 (e) ~~The Radiologic Technologists, Nuclear Medicine~~
22 ~~Technologists and the Magnetic Resonance Imaging Technologists~~
23 ~~serving on the board shall maintain an active license with the~~
24 ~~board.~~ All members who are required to be licensed as a condition

1 of board membership shall maintain an active license with the
2 board.

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

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

8 (h) A licensed member of the board immediately and
9 automatically forfeits membership to the board if his or her
10 ~~license~~ authorization to practice has been suspended or revoked in
11 any jurisdiction. A member of the board immediately and
12 automatically forfeits membership to the board if he or she is
13 convicted of a felony under the laws of any state or the United
14 States, or becomes a nonresident of this state.

15 (i) The board shall designate one of its members as
16 chairperson and one member as secretary who shall serve at the will
17 of the board.

18 (j) Each member of the board shall receive compensation and
19 expense reimbursement in accordance with article one of this
20 chapter.

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

23 (l) The board shall hold at least two ~~annual~~ meetings
24 annually. Other meetings shall be held at the call of the

1 chairperson or upon the written request of ~~two~~ four members, at
2 such time and place as designated in the call or request.

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

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

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

10 (b) The board shall:

11 (1) Hold meetings, conduct hearings and administer
12 examinations;

13 (2) Establish requirements for a license, apprentice license,
14 temporary license and permit;

15 (3) Establish procedures for submitting, approving and
16 rejecting applications for a license, apprentice license, temporary
17 license and permit;

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

20 (5) Provide standards for approved schools of medical imaging
21 and radiation therapy technology and programs within schools,
22 procedures for obtaining and maintaining approval, and procedures
23 of revocation of approval where standards are not maintained:
24 *Provided*, That the standards for approved schools meet ~~at least the~~

1 ~~minimal requirements of the American Registry of Radiologic~~
2 ~~Technologist JRCERT, JRCNMT or standards determined~~
3 ~~programmatically equivalent by the board~~ applicable minimum
4 accreditation requirements for JRCERT, JRCNMT, CAAHEP (in
5 accordance with standards established by the JRC-DMS or JRC-CVT) or
6 CMA, or standards determiner programmatically equivalent by the
7 board;

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

11 ~~(7) Prepare, conduct, administer and grade written, oral or~~
12 ~~written and oral examinations for a license, certificate and~~
13 ~~registration~~ Prepare conduct, administer and grade written, oral or
14 written and oral examinations for a license, certificate and
15 registration. If medical imaging or radiation therapy examinations
16 are not available from a certification organization recognized by
17 the board;

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

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

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

1 (11) Investigate alleged violations of the provisions of this
2 article, legislative rules, orders and final decisions of the
3 board;

4 (12) Conduct disciplinary hearings of persons regulated by the
5 board;

6 (13) Determine disciplinary action and issue orders;

7 (14) Institute appropriate legal action for the enforcement of
8 the provisions of this article;

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

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

13 (17) Establish, by legislative rule, the continuing education
14 requirements for licensees and permittees; ~~certificate holders and~~
15 ~~registrants;~~ and

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

19 (c) The board may:

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

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

24 (3) Issue, renew, deny, suspend, revoke or reinstate a

1 license, apprentice license, temporary license or permit,
2 certificate and registration;

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

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

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

9 **§30-23-7. Legislative rule-making authority.**

10 (a) The board shall propose rules for legislative approval, in
11 accordance with the provisions of article three, chapter twenty-
12 nine-a of this code, to implement the provisions of this article,
13 including:

14 (1) Standards and requirements for licensure, apprentice
15 licensure temporary license and permits to practice medical imaging
16 or radiation therapy technology;

17 (2) Procedures for examinations and reexaminations;

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

20 (4) Educational and experience requirements, and the passing
21 grade on the examination;

22 (5) Standards for approval of courses;

23 (6) Procedures for the issuance and renewal of a license,
24 apprentice license, temporary license and permit;

1 (7) A fee schedule;

2 (8) Continuing education requirements for licensees and
3 permittees;

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

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

8 (11) Any other rules necessary to effectuate the provisions of
9 this article.

10 (b) All rules in effect on the effective date of this article
11 shall remain in effect until they are amended or repealed, and
12 references to provisions of former enactments of this act are
13 interpreted to mean provisions of this article.

14 **§30-23-10. Scope of practice for a radiologic technologist.**

15 (a) The scope of practice of a radiologic technologist
16 includes the following:

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

21 (2) Evaluation of the physical, mental and emotional status of
22 the patient with respect to the ability to understand the risk
23 versus benefit of the procedure and to undergo the procedure
24 requested;

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

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

6 (5) Determination of imaging exposure factors, setting of
7 factors on control panel, and application of medical imaging
8 exposures;

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

11 (7) Evaluation of images for technical quality;

12 (8) Performance of noninterpretive fluoroscopic procedures
13 according to institutional policy;

14 (9) Oversight of image processing standards and the
15 appropriate labeling of images;

16 ~~(10) Administering contrast media after consultation with, and~~
17 ~~under the supervision of, a physician who is immediately and~~
18 ~~physically available;~~

19 (10) Establishing or maintaining, or both, intravenous
20 infusion, and preparing and administering medications incidental to
21 medical imaging procedures, including, but not limited to, contrast
22 agents, only when ordered by a qualified physician, advanced nurse
23 practitioner or physician assistant who is immediately available:

24 Provided, That the technologist is currently certified in

1 cardiopulmonary resuscitation, and is educationally prepared and
2 clinically competent to do so;

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

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

9 ~~(12)~~ (13) Performing any other duties that the board
10 authorizes for a radiologic technologist.

11 (b) An institution may limit the scope of practice for a
12 technologist by institutional policy. However, nothing contained in
13 this section may be construed to permit any entity the authority to
14 expand the scope of practice outlined in this section.

15 **§30-23-11. Scope of practice for a radiation therapist.**

16 The scope of practice for a radiation therapist includes the
17 following:

18 (1) Providing radiation therapy services by contributing as an
19 essential member of the radiation oncology treatment team through
20 provision of total quality care of each patient undergoing a
21 prescribed course of treatment;

22 (2) Evaluating and assessing treatment delivery components;

23 (3) Providing radiation therapy treatment delivery services to
24 cure or improve the quality of life of patients by accurately

1 delivering a prescribed course of treatment;

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

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

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

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

24 ~~(6)~~ (8) Performing any other duties that the board authorizes

1 for a radiation therapist.

2 **§30-23-12. Exemptions from radiologic technology license.**

3 The following persons are not required to obtain a radiologic
4 technology license in accordance with the provisions of this
5 article:

6 (1) A medical imaging technology student enrolled in and
7 attending an approved ~~school~~ program of medical imaging technology
8 who as part of his or her course of study ~~applies~~ performs medical
9 imaging technology to a human being under the supervision of a
10 licensed medical imaging technologist;

11 (2) A person acting as a dental assistant or dental hygienist
12 who under the supervision of a licensed dentist operates only
13 radiographic dental equipment for the sole purpose of dental
14 radiography of the oral cavity or ultrasonic equipment for dental
15 procedures;

16 (3) A person engaged in performing the duties of a medical
17 imaging technologist in the person's employment by an agency,
18 bureau or division of the Government of the United States;

19 ~~(4) A licensed practitioner, Radiologist or Radiology~~
20 ~~resident;~~

21 (4) A licensed practitioner or a resident performing medical
22 imaging authorized under their medical speciality's scope of
23 practice and authorized by the institution's or facility's
24 policies;

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

3 (6) A registered nurse licensed by the West Virginia Board of
4 Examiners for Registered Professional Nurses who performs point-of-
5 care ultrasound for immediate patient care which shall include, but
6 is not limited to, fetal positioning, bladder volume, ultrasound
7 guided line inserts or other examinations, or both, approved by the
8 board;

9 (7) A Therapist or physical or occupational assistant licensed
10 by the appropriate state licensing board, who uses ultrasound for
11 therapeutic purposes only; and

12 ~~(6)~~ (8) A person who demonstrated to the board, prior to July
13 1, 1999, that he or she:

14 (A) Had engaged in the practice of radiologic technology for
15 the limited purpose of performing bone densitometry in this state
16 for five or more years;

17 (B) Practiced under the supervision of a licensed
18 practitioner; and

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

21 **§30-23-14. Medical imaging and radiation therapy technology**
22 **license from another state+; license to practice in**
23 **this state.**

24 The board may issue a license to practice medical imaging and

1 radiation therapy technology in this state, without requiring an
2 examination, to an applicant from another jurisdiction who:

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

4 (2) Is of good moral character:

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

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

22 (5) Has not previously failed an examination for licensure in
23 this state;

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

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

2 **§30-23-15. Requirements for nuclear medicine technologist license.**

3 (a) To be eligible for a license to practice nuclear medicine
4 technology, the applicant must:

5 (1) Be of good moral character;

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

7 (3) 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 (4) Not have been convicted of a misdemeanor or a felony under
11 the laws of any state or the United States at any time if the
12 offense for which the applicant was convicted related to the
13 practice of medical imaging, which conviction remains unreversed.

14 (5) (A) Have a national certification as a certified nuclear
15 medicine technologist or a national certification as a [registered](#)
16 radiographer specializing in nuclear medicine; or

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

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

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

1 ~~(C)~~ (iii) Have a national certification as a certified Nuclear
2 Medicine Technologist (CNMT);

3 ~~(D)~~ (iv) Have a national certification as a Registered
4 Radiographer (ARRT (R));

5 ~~(E)~~ (v) Have a national certification as a Registered
6 Radiographer specializing in Nuclear Medicine (ARRT (N)); or

7 ~~(F)~~ (vi) Have a national certification as a Radiation
8 Therapist (ARRT(T)); and

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

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

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

23 **§30-23-16. Scope of practice for nuclear medicine technologist.**

24 (a) The scope of practice for nuclear medicine technology

1 includes the following:

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

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

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

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

14 (D) Preparation of the appropriate radio pharmaceutical with
15 measurement of dose activity;

16 (E) Administration of appropriate diagnostic dose levels of
17 radio pharmaceuticals;

18 (F) Establishing or maintaining, or both establishing and
19 maintaining, intravenous infusion and preparing and administering
20 medications incidental to nuclear medicine procedures, including,
21 but not limited to, contrast agents, only when ordered by a
22 qualified physician, advanced nurse practitioner or physician
23 assistant who is immediately available: Provided, That the
24 technologist is currently certified in cardiopulmonary

1 resuscitation and is educationally prepared and clinically
2 competent to do so;

3 (G) Using aseptic technique and observe universal standard
4 precautions;

5 ~~(F)~~ (H) Administration of nonradioactive pharmaceuticals
6 utilized in conjunction with a nuclear medicine imaging or in-vivo
7 procedure, for example, cholecystokinin, furosemide, vitamin B12,
8 in accordance with hospital or facility procedures, excluding
9 narcotic and sedating medication;

10 ~~(G)~~ (I) Selection of appropriate imaging or test parameters,
11 or both;

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

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

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

17 ~~(K)~~ (M) Monitoring of patient and equipment during procedure
18 for determination and application of any corrective actions
19 necessary;

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

22 ~~(M)~~ (O) Preparation and performance of laboratory in-vivo
23 nuclear medicine procedures, inclusive of the selection and
24 operation of laboratory counting equipment, performance of

1 calculations and data processing necessary for completion of lab
2 procedures and the submission of results to the physician or
3 licensee;

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

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

8 (2) The practice for handling radio pharmaceuticals which
9 includes:

10 (A) Preparation, by means of tagging, compounding, etc., in
11 accordance with manufacturer's specifications;

12 (B) Measurement and calculation of activity of radionuclides
13 with a dose calibrator;

14 (C) Application of radioactive decay calculations to determine
15 required volume or unit form necessary to deliver the prescribed
16 radioactive dose; and

17 (D) Recording of radio pharmaceutical information on a
18 patient's permanent record.

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

20 (A) Assisting licensee in the preparation and applications of
21 therapeutic radionuclides;

22 (B) Oversight of radiation safety practices related to the
23 handling and administration of radio pharmaceuticals for therapy of
24 patients;

1 (C) Maintenance of records of radioactive material receipt,
2 use, storage, and disposal in accordance with regulatory
3 requirements;

4 (D) Oversight and enforcement of radiation safety policies,
5 practices, and regulations regarding the possession and use of
6 radioactive materials;

7 (E) Performance of radiation safety procedures such as
8 radiation survey and wipe testing of incoming radioactive shipments
9 and facility fixtures;

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

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

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

20 (A) A Nuclear Medicine Technologist, (ARRT(N) or NMTCB) or
21 certified PET Technologist may administer radio pharmaceuticals
22 ~~and/or~~ or ionizing radiation or both radio pharmaceuticals and
23 ionizing radiation, from an integrated multimodality device, if the
24 ionizing radiation is produced for the sole purpose of attenuation

1 correction and considered an essential component of the procedure,
2 provided the licensee has obtained proper documented training that
3 has been approved by the board in the radiation safety aspect of
4 the operation of these units; and

5 (B) A licensed radiographer, (ARRT(R)), or nuclear medicine
6 technologist with an additional certification by the ARRT or other
7 nationally recognized certifying body in computed tomography, shall
8 operate the computed tomography scanner if it is used for any other
9 diagnostic radiographic procedures.

10 (b) An institution may limit the scope of practice for a
11 technologist by institutional policy. However, nothing contained
12 in this provision may be construed to permit any entity the
13 authority to expand the scope of practice outlined in this section.

14 **§30-23-17. Requirements for magnetic resonance imaging**
15 **technologist license.**

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

18 (1) Be of good moral character;

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

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

23 (4) Not have been convicted of a misdemeanor or a felony under
24 the laws of any state or the United States at any time if the

1 offense for which the applicant was convicted related to the
 2 practice of medical imaging, which conviction remains unreversed.

3 (5) (A) Have a national certification as an MRI technologist
 4 (ARRT (MR) or ARMRIT); or

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

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

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

13 ~~(C)~~ (iii) Have a national certification as a certified Nuclear
 14 Medicine Technologist (CNMT);

15 ~~(D)~~ (iv) Have a national certification as a Registered
 16 Radiographer (ARRT (R));

17 ~~(E)~~ (v) Have a national certification as a Registered
 18 Radiographer specializing in Nuclear Medicine (ARRT (N));

19 ~~(F)~~ (vi) Have a national certification as a Radiation
 20 Therapist (ARRT(T); ~~or~~ and

21 ~~(G) National certification as an MRI technologist (ARRT (MR)~~
 22 ~~or ARMRIT); and~~

23 (6) Qualify for and pass an examination which has been
 24 approved by the board, with a minimum passing scaled score of

1 seventy-five ~~percent~~, which examination shall cover the basic
2 subject matter of Medical Imaging, radiation safety, skills and
3 techniques as it pertains to magnetic resonance imaging.

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

8 (c) A magnetic resonance imaging technology license issued by
9 the board prior to July 1, 2007, shall for all purposes be
10 considered a license issued under this article: *Provided*, That a
11 person holding a magnetic resonance imaging technology license
12 issued prior to July 1, 2007, must renew the license pursuant to
13 the provisions of this article.

14 **§30-23-18. Scope of practice for magnetic resonance imaging**
15 **technologist.**

16 (a) The scope of practice for magnetic resonance imaging
17 technology includes the following:

18 (1) ~~Make~~ Making arrangements with other departments for
19 ancillary patient services (e.g. transportation, anesthesia);

20 (2) ~~Orient~~ Orienting patient and family to requirements
21 necessary for the exam and instruct patient regarding preparation
22 prior to imaging procedures;

23 (3) ~~Assist~~ Assisting with scheduling patients and coordinating
24 exams to assure smooth work flow and review patient's chart to

1 verify physician's orders;

2 (4) ~~Assist patient~~ Assisting patients on and off the scanning
3 table and ~~maintain~~ maintaining communication and ~~provide~~ providing
4 reassurance to ~~patient~~ patients throughout scanning ~~procedure~~
5 procedures;

6 (5) ~~Obtain~~ Obtaining patient's medical history prior to scan
7 and observe patient's vital signs, O2 saturation, patient's level
8 of consciousness during scanning procedure, and observe patient's
9 physical status prior to discharge from the scanning procedure;

10 (6) ~~Maintain~~ Maintaining controlled access to restricted area
11 of strong magnetic field to ensure safety of patients, visitors,
12 and hospital personnel and screen patient for ferrous and RF-
13 sensitive material prior to entrance into magnetic field;

14 (7) ~~Evacuate patient~~ Evacuating patients in emergency
15 ~~situation~~ situations (e.g., quench, code, metallic object);

16 (8) ~~Provide~~ Providing hearing protection to ~~patient~~ patients
17 and others;

18 (9) ~~Inspect~~ Inspecting equipment to make sure it is operable
19 and safe (e.g., coils, cables, door seals), ~~perform document and~~
20 ~~interpret~~ performing, documenting and interpreting the results of
21 daily QC tests (center frequency, signal to noise, image quality
22 and artifacts);

23 (10) ~~Monitor~~ Monitoring specific absorption rate (SAR) and
24 cryogen levels;

1 (11) ~~Position patient~~ Positioning patients according to type
2 of study indicated and ~~enter~~ entering patient's data needed to
3 initiate scan;

4 (12) Establishing or maintaining, or both, intravenous
5 infusion and preparing and administering medications incidental to
6 nuclear medicine procedures, including, but not limited to,
7 contrast agents, only when ordered by a qualified physician,
8 advanced nurse practitioner or physician assistant who is
9 immediately available: Provided, That the technologist is
10 currently certified in cardiopulmonary resuscitation and is
11 educationally prepared and clinically competent to do so;

12 ~~(12) Explain~~ (13) Explaining the risks of contrast media
13 injections, ~~obtain~~ obtaining signed consent ~~form~~ forms, ~~determine~~
14 determining appropriate dose required, program or activate the
15 power injector and administer the contrast media;

16 (14) Using aseptic technique and observing universal standard
17 precautions;

18 ~~(13) Select~~ (15) Selecting all parameters needed to obtain a
19 highly diagnostic image;

20 ~~(14) Archive~~ (16) Archiving images to or retrieve images from
21 data storage devices;

22 ~~(15) Evaluate~~ (17) Evaluating quality of filmed images and
23 reformat images;

24 ~~(16) Perform~~ (18) Performing automatic or manual frequency

1 tuning;

2 ~~(17) Differentiate~~ (19) Differentiating between normal and
3 abnormal images to assess completion of procedure;

4 ~~(18) Monitor~~ (20) Monitoring image production and discriminate
5 between technically acceptable and unacceptable images;

6 ~~(19)~~ (21) Maintaining values congruent with the profession's
7 code of ethics and scope of practice as well as adhering to
8 national, institutional ~~and/or~~ or departmental standards, or both
9 institutional and departmental standards, policies and procedures
10 regarding delivery of services and patient care; and

11 ~~(20) Perform~~ (22) Performing any other duties that the board
12 authorizes.

13 (b) An institution may limit the scope of practice for a
14 technologist by institutional policy. However, nothing contained
15 in this provision may be construed to permit any entity the
16 authority to expand the scope of practice outlined in this section.

17 **§30-23-18a. Requirements for a sonographer license.**

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

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

23 (1) Be of good moral character;

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

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

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

8 (5) Have a national certification as a diagnostic medical
9 sonographer, registered cardiac sonographer or registered vascular
10 sonographer; or

11 (6) Meet one of the following qualifications:

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

15 (B) 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) Have a national certification as a certified Nuclear
20 Medicine Technologist (CNMT);

21 (D) Have a national certification as a Registered Radiographer
22 (ARRT (R));

23 (E) Have a national certification as a Registered Radiographer
24 specializing in Nuclear Medicine (ARRT (N));

1 (F) Have a national certification as a Radiation Therapist
2 (ARRT(T);

3 (G) Have a national certification as an MRI technologist (ARRT
4 (MR) or ARMRIT); or

5 (H) Be a registered nurse.

6 (7) 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) An individual may perform sonography only in the
12 speciality category in which they are credentialed. To perform
13 sonography in a specialized category, such as breast sonography,
14 cardiac sonography, vascular sonography, the individual will need
15 to document that they are educationally prepared and clinically
16 competent in the specialized category.

17 (c) A person seeking a sonographer license shall submit an
18 application on a form prescribed by the board and pay the license
19 fee, which fee shall be returned to the applicant if the license
20 application is denied.

21 **§30-23-18b. Scope of practice for diagnostic medical sonography.**

22 (a) The scope of practice for diagnostic medical sonography
23 includes the following:

24 (1) Performing sonography and related procedures pursuant to

1 an order or prescription of a licensed practitioner, advanced nurse
2 practitioner, nurse-midwife or physician assistant. These
3 procedures may be for diagnostic or therapeutic purposes;

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

7 (3) Obtaining or verifying patient's clinical history and
8 informed consent in accordance with institutional policy;

9 (4) Using aseptic technique and observe universal standard
10 precautions;

11 (5) Selecting and operating medical ultrasound equipment and
12 related devices to achieve desired results;

13 (6) Positioning patients and equipment to best achieve desired
14 results, respecting patients ability and comfort while preventing
15 patient and sonographer injury;

16 (7) Using independent judgment and systematic problem solving
17 methods to produce high quality diagnostic information and optimize
18 patient care;

19 (8) Establishing or maintaining, or both establishing and
20 maintaining, intravenous infusion and preparing and administering
21 medications incidental to sonography procedures, including, but not
22 limited to, contrast agents, only when ordered by a qualified
23 physician, advanced nurse practitioner or physician assistant who
24 is immediately available: *Provided*, That the sonographer is

1 currently certified in cardiopulmonary resuscitation, and is
2 educationally prepared and clinically competent to do so;

3 (9) Documenting diagnostic and patient data and providing oral
4 or written preliminary findings to the licensed practitioner to aid
5 in patient diagnosis and management in accordance with
6 institutional policy;

7 (10) Maintaining records and complying with confidentiality
8 laws and policies;

9 (11) Participating in quality assessment and improvement
10 activities in accordance with institutional policy;

11 (12) Providing basic life support as necessary;

12 (13) Providing patient education as necessary;

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

17 (15) Adhering to the principle of "As Low As Reasonably
18 Achievable" (ALARA) for patient exposure to nonionizing radiation;

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

24 (17) Performing any other duties that the board authorizes for

1 a sonographer.

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

6 **§30-23-19. Requirements for an apprentice license for nuclear
7 medicine technologists and magnetic resonance
8 imaging technologists.**

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

18 (b) ~~The~~ An apprentice license for nuclear medicine and
19 magnetic resonance imaging is valid for one year. An apprentice
20 license may be renewed annually for an additional four years,
21 giving the individual a total of five years to complete or meet the
22 requirements and successfully pass the certification examination
23 for a nuclear medicine technologist license or a magnetic resonance
24 imaging technologist license. All individuals possessing an

1 apprentice license must work under the supervision of a licensed
2 practitioner for MRI, an authorized user for nuclear medicine or a
3 ~~technologist~~ an individual who is licensed in that discipline.

4 (c) Any individual possessing a valid medical imaging license
5 issued by the board and seeks to cross-train in the discipline of
6 nuclear medicine technology or magnetic resonance imaging
7 technology, may obtain an apprentice license in that discipline for
8 the purpose of obtaining the necessary clinical experience
9 requirements in order to qualify to sit for the required
10 examination. This apprentice license will be valid for one year
11 and renewable for four years, ~~giving~~ allowing a cross-trained
12 individual five years to obtain certification in the discipline.

13 (d) The board may issue an apprentice license to an
14 individual who is practicing as a diagnostic medical sonographer
15 prior to July 1, 2012, but has not obtained certification in the
16 imaging modality. A notarized letter, signed by the individual's
17 supervising licensed physician, must be submitted with the
18 individual's application, stating that the individual has performed
19 the duties of a diagnostic medical sonographer prior to July 1,
20 2012. An apprentice licensed issued under this section will be
21 good for one year and may be renewed for one additional year.

22 (e) Any individual possessing a valid medical imaging license
23 issued by the board and seeking to cross-train in the discipline of
24 diagnostic medical sonography may obtain an apprentice license in

1 that discipline for the purpose of obtaining the necessary clinical
2 experience requirements in order to qualify to sit for the required
3 examination. This apprentice license will be valid for one year
4 and renewable for one additional year, allowing a cross-trained
5 individual two years to obtain certification in the discipline.
6 After July 1, 2014, an individual will not be allowed to obtain an
7 apprentice license to cross-train in sonography. The individuals
8 will have to be graduates from a recognized school of sonography
9 and pass a national examination in sonography.

10 **§30-23-22. License and permit renewal requirements.**

11 (a) A licensee and permittee shall annually renew his or her
12 license or permit by completing a form prescribed by the board,
13 paying a renewal fee, and submitting any other information required
14 by the board.

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

18 (c) The board shall require as a condition for the renewal of
19 a license and permit that each licensee or permittee complete
20 continuing education requirements.

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

24 (e) An application submitted electronically for a license

1 renewal of a license or a temporary license shall be considered as
2 signed by the applicant.

3 **§30-23-23. Display of license.**

4 (a) The board shall prescribe the form for a license and
5 permit and may issue a duplicate license or permit, upon payment of
6 a fee.

7 (b) A licensee shall conspicuously display his or her license
8 at his or her principal place of practice. A photocopy of the
9 original license shall be conspicuously displayed at his or her
10 secondary place of employment.

11 ~~(c) A permittee shall conspicuously display his or her permit~~
12 ~~at his or her principal place of practice. A photocopy of the~~
13 ~~original permit shall be conspicuously displayed at his or her~~
14 ~~secondary place of employment.~~

15 **§30-23-24. Refusal to issue or renew, suspension or revocation;**
16 **disciplinary action.**

17 (a) The board shall upon the written complaint of any person
18 cause an investigation to be made to determine whether grounds
19 exist for disciplinary action under this article or the legislative
20 rules promulgated pursuant to this article. The board may also
21 cause an investigation to be made upon its own motion based on
22 credible information.

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

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

5 (d) Upon a finding that probable cause exists that the
6 licensee or permittee has violated subsection (g) of this section
7 or legislative rules promulgated pursuant to this article, the
8 board may enter into a consent decree or hold a hearing for the
9 suspension or revocation of the license or permit or the imposition
10 of sanctions against the licensee or permittee. Any hearing shall
11 be held in accordance with the provisions of this article.

12 (e) Any member of the board or the executive director of the
13 board may issue subpoena and subpoena duces tecum for witnesses and
14 documents to aid in the investigation of allegations against any
15 person regulated by the article.

16 (f) Institute proceedings in the courts of this state to
17 enforce a subpoena for the production of witnesses or documents.

18 (g) Any member of the board or its executive director may sign
19 a consent decree or other legal document on behalf of the board.

20 (h) After notice and opportunity for hearing the board may
21 deny or refuse to renew, suspend, restrict or revoke the license or
22 permit of, or impose probationary conditions upon or take
23 disciplinary action against, any licensee or permittee for any of
24 the following reasons once a violation has been proven by a

1 preponderance of the evidence:

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

4 (2) Being convicted of a felony or other crime involving moral
5 turpitude;

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

8 (4) Intentional violation of a lawful order or legislative
9 rule of the board;

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

14 (6) Aiding or abetting unlicensed practice; or

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

18 (i) For the purposes of this section, effective July 1, 2012,
19 disciplinary action may include:

20 (1) Reprimand;

21 (2) Probation;

22 (3) Restrictions;

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

1 (5) Mandatory attendance at continuing education seminars or
2 other training;

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

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

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

8 **§30-23-25. Procedures for hearing; right of appeal.**

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

11 (b) The board may conduct the hearing or elect to have an
12 administrative law judge conduct the hearing.

13 (c) If the hearing is conducted by an administrative law judge
14 the administrative law judge shall prepare a proposed written order
15 containing findings of fact and conclusions of law at the
16 conclusion of the hearing. The proposed order may contain proposed
17 disciplinary actions if the board so directs. The board may
18 accept, reject or modify the decision of the administrative law
19 judge.

20 (d) Any member or the executive director of the board may
21 administer oaths, examine any person under oath and issue a
22 subpoena or a subpoena duces tecum for the appearance of witnesses
23 or documents.

24 (e) If after a hearing the board determines the licensee or

1 permittee has violated provisions of this article or the board's
2 rules, a formal written decision shall be prepared which contains
3 findings of fact, conclusions of law and a specific description of
4 the disciplinary actions imposed.

5 **§30-23-26. Hearing and judicial review.**

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

12 **§30-23-27. Injunctions.**

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

24 (b) The board may fine ~~and/or~~ or issue cease and desist orders

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

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

NOTE: The purpose of this bill is to update and rewrite the article concerning the practice of medical imaging and radiation therapy technology. The bill updates definitions and licensing requirements. The governing board is renamed the West Virginia Medical Imaging and Radiation Therapy Board. Membership on the board was expanded to thirteen. The powers and duties of the board regarding the granting of temporary licenses, standards for approved schools of medical imaging and licensing examinations have been rewritten. The rule-making authority has been changed to provide for temporary licensing. Scope of practice for radiologic technologist, radiation therapist, nuclear medicine technologist and magnetic resonance imaging technologist have been revised. Licensing requirements for various disciplines have also been revised, including apprentice licenses. Sonographer licenses are now required and the scope of practice of a sonographer is detailed. The provisions regarding complaints, investigations and disciplinary actions have been rewritten as have the provisions for a hearing and the right of appeal.

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

§30-23-24, §30-23-25 and §30-23-26 have been completely rewritten; therefore, strike-throughs and underscoring have been omitted.

§30-23-18a and §30-23-18b are new; therefore, strike-throughs and underscoring have been omitted.