

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 580

**FISCAL
NOTE**

By Senator Takubo

[Introduced January 22, 2026; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend and reenact §30-23-1, §30-23-2, §30-23-3, §30-23-4, §30-23-5, §30-23-6, §30-
2 23-7, §30-23-8, §30-23-9, §30-23-10, §30-23-11, §30-23-12, §30-23-14, §30-23-15, §30-
3 23-16, §30-23-17, §30-23-18, §30-23-19, §30-23-22, §30-23-24, §30-23-25, §30-23-26,
4 and §30-23-27 of the Code of West Virginia, 1931, as amended; to amend the code by
5 adding three new sections, designated §30-23-31, §30-23-32, and §30-23-33; and to
6 repeal §30-23-13, §30-23-20, §30-23-21, and §30-23-23, relating to updating practice act
7 for West Virginia Medical Imaging and Radiation Therapy Technology Board; updating
8 educational requirements for radiation therapists licensure to obtain degree from radiation
9 therapy program without first obtaining degree from radiography school; updating criminal
10 convictions to include only criminal convictions related to the practice of health care be
11 considered grounds to deny an applicant for licensure; removing references to
12 administering exams; eliminating six-month temporary licensure; adding new definitions;
13 updating scope of practice for radiologic technologists, MRI technologists, radiation
14 therapists, and nuclear medicine technologists to align with national standards;
15 transferring regulation of radiologist assistants from the Board of Medicine to Medical
16 Imaging Board; and making technical changes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 23. RADIOLOGIC TECHNOLOGISTS.

§30-23-1. License required to practice Medical Imaging or Radiation Therapy.

1 ~~The Legislature finds that in the interest of public health that:~~
2 ~~(1) (a) The Legislature finds that it is in the interest of public health that the~~ people of this
3 state should be protected from excessive and improper exposure to ionizing radiation, radioactive
4 isotopes, radio waves, and magnetic fields energy; and
5 ~~(2) (b) A~~ The Legislature further finds that it is in the best interest of public health that a
6 person performing medical imaging or radiation therapy technology in this state shall be licensed
7 and meet appropriate educational standards and clinical competence.

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

§30-23-2. Unlawful acts.

1 (a) It is unlawful for any person to practice or offer to practice medical imaging or radiation
2 therapy technology in this state without a license, apprentice license or permit issued under the
3 provisions of this article, or advertise or use any title or description tending to convey the
4 impression that the person is a licensed Medical Imaging Technologist or Radiation Therapy
5 Technologist, unless such person has been duly licensed under the provisions of this article, and
6 such license, apprentice license or permit has not expired, been suspended or revoked.

7 (b) ~~Without a licensee, it~~ It is unlawful for any business entity to render any service or
8 engage in any activity which if rendered or engaged in by an unlicensed individual, would
9 constitute the practice of medical imaging or radiation therapy technology.

§30-23-3. Applicable law.

1 The practice of medical imaging or radiation therapy technology and the Medical Imaging
2 and Radiation Therapy Technology Board of ~~Examiners~~ are subject to the provisions of article one
3 of this chapter and the provisions of this article and any rules promulgated thereunder.

§30-23-4. Definitions.

1 As used in this article, the following words and terms have the following meanings, unless
2 the context clearly indicates otherwise:

3 "ALARA" means "As low As Reasonably Achievable", a radiology principle that aims to
4 minimize radiation exposure while achieving the necessary medical outcome.

5 (a) "ASPMA" means the American Society of Podiatric Medical Assistants.

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

8 (c) "ARRT" means the American Registry of Radiologic Technologist.

9 "Authorized User" means a physician authorized to supervise radioactive material
10 regulations and safety standards.

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

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

16 "CBRPA" means Certification Board for Radiology Practitioner Assistants, a national
17 certifying body that administers a national examination for Radiology Practitioner Assistants
18 (RPAs) and maintains professional standards and ethical guidelines for the profession.

19 ~~(f)~~ "Dental X-rays" means ~~X-rays~~ radiographs taken of the oral cavity with ~~x-ray~~
20 radiographic units designed for this specific performance.

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

22 ~~(h)~~ "JRCNMT" means the Joint Review Committee on Education Programs in Nuclear
23 Medicine Technology.

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

26 ~~(j)~~ "Licensed practitioner" means ~~a person licensed in West Virginia to practice medicine,~~
27 ~~chiropractic, podiatry, osteopathy or dentistry~~ an advanced level healthcare provider in West
28 Virginia licensed to diagnose and treat individuals, including physicians, chiropractors, podiatrists,
29 physician assistants, speech pathologists, dentists, and advanced practice registered nurses.

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

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

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

image production.

"Medical Imaging Technologist" means an allied health professional holding a license to practice in the fields of radiologic technology, nuclear medicine technology, or MRI technology.

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

~~(o) "Nuclear Medicine Technologist" means a person holding a nuclear medicine license issued under the provisions of this article.~~

~~(p) "Nuclear Medicine Technology" means the compounding, calibrating, dispensing and administrating of radio-pharmaceuticals, pharmaceuticals and radio-nuclides under the direction of an individual listed as an authorized user by the U.S. Nuclear Regulatory Commission for the production of images for diagnosis and/or treatment of various disorders.~~

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

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

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

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

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

~~(v) "Practice of Medical Imaging and Radiation Therapy Technology" means the practice of Radiologic Technology, Radiation Therapy, Nuclear Medicine Technology and Magnetic Resonance Imaging Technology.~~

"Radiation" means ionizing energy that is used in low nondestructive doses to visualize internal anatomy or used in very high destructive doses which are precisely focused on a target area for therapeutic treatment.

61 "Radiation Therapist" means an allied health professional who practice in the field of
62 radiation therapy.

63 "Radiation Therapy Technology" means the medical use of high doses of ionizing radiation
64 to the therapeutically treat targeted areas.

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

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

71 ~~(y) "Radiologist" means a licensed practitioner who has successfully completed a~~
72 ~~residency in the field of Radiology and specializes in the use of medical imaging for the diagnosis~~
73 ~~or treatment of disease.~~

74 ~~(z) "Radiologist Assistant" or "RA" means an individual who is licensed under the rules of~~
75 ~~the West Virginia Board of Medicine and has completed specialized training from an accredited~~
76 ~~program in the profession and passed a written examination as recognized by the West Virginia~~
77 ~~Board of Medicine~~ means a Radiology Practitioner Assistant or a Radiologist Assistant who is a
78 licensed advanced-practice radiologic technologist who works under the supervision of a
79 radiologist to perform patient assessments, oversee advanced imaging procedures, and offer
80 preliminary image observations.

81 ~~(aa) "Radiology resident" means a licensed practitioner who is in training to become a~~
82 ~~Radiologist and who uses medical imaging in the diagnosis or treatment of disease, under the~~
83 ~~supervision of a Radiologist.~~

84 ~~(bb) "Supervision" means responsibility for and control of quality, safety and technical~~
85 ~~aspects in the application of medical imaging technology on human beings for diagnostic or~~
86 ~~therapeutic purposes.~~

87 ~~(cc)~~ "Technology" means Medical Imaging Technology or Radiation Therapy Technology.

§30-23-5. Medical Imaging and Radiation Therapy Technology Board. ~~of Examiners.~~

1 (a) The West Virginia Medical Imaging and Radiation Therapy Technology Board ~~of~~
2 Examiners is continued. The members of the board in office, unless sooner removed, continue to
3 serve until their respective terms expire and until their successors have been appointed and
4 qualified.

5 (b) The board shall consist of the following nine members, appointed by the Governor by
6 and with the advice and consent of the Senate:

7 (1) Three licensed practitioners, ~~two~~ one of whom shall be Radiologists ~~is a Radiologist~~;

8 (2) ~~Three~~ One licensed Radiologic Technologists ~~Technologist~~; ~~one of whom shall be an~~
9 active medical imaging educator;

10 (3) One licensed Nuclear Medicine Technologist;

11 (4) One licensed Radiation Therapy Technologist;

12 (5) One active licensed Educator in Medical Imaging or Radiation Therapy;

13 (6) One licensed Magnetic Resonance Imaging; and

14 ~~(5)~~ (7) One citizen member, who is not licensed under the provisions of this article and
15 does not perform any services related to the practice licensed under the provisions of this article.

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

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

23 (e) The Radiologic Technologists, Radiation Therapy Technologist, Educator, Nuclear
24 Medicine Technologists and the Magnetic Resonance Imaging Technologists serving on the board

shall maintain an active license with the board.

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

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

(h) A licensed member of the board immediately and automatically forfeits membership to the board if his or her license to practice has been suspended or revoked. A member of the board immediately and automatically forfeits membership to the board if he or she is convicted of a felony under the laws of any state or the United States or becomes a nonresident of this state.

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

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

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

~~(l) The board shall hold at least two annual meetings. Other meetings shall be held at the call of the chairperson or upon the written request of two members, at such time and place as designated in the call or request. The board shall meet at least quarterly to conduct business. Additional meetings may be held as needed and shall be called by the secretary at the direction of the chairman or upon written request of any three members.~~

~~(m) Prior to commencing his or her duties as a member of the board, each member shall take and subscribe to the oath required by section five, article four of the Constitution of this state. Every individual appointed as a member of this board shall take the oath prescribed by section 5 of article IV of the State Constitution, shall file the certificate thereof with the Secretary of State before proceeding to exercise the authority or discharge the duties of the office.~~

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

(a) The board has all the powers and duties set forth in this article, by rule, in article one of

2 this chapter, and elsewhere in law.

3 (b) The board shall:

4 (1) Hold meetings and conduct hearings; ~~and administer examinations;~~

5 (2) Establish requirements for a license or apprentice license; ~~and permit;~~

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

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

10 (5) Provide standards for approved schools of Medical Imaging and Radiation Therapy
11 Technology, procedures for obtaining and maintaining approval, and procedures of revocation of
12 approval where standards are not maintained: *Provided*, That the standards for approved schools
13 meet at least the minimal requirements of the American Registry of Radiologic Technologist
14 JRCERT, JRCNMT or standards determined programmatically equivalent by the board;

15 ~~(6) Work with the West Virginia Board of Medicine to determine the scope of practice, the~~
16 ~~required education and training, and the type of regulations necessary for Radiologist Assistants;~~

17 ~~(7) Prepare, conduct, administer and grade written, oral or written and oral examinations~~
18 ~~for a license, certificate and registration;~~

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

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

22 ~~(10)~~ (6) Maintain an office, and hire, discharge, establish the job requirements and fix the
23 compensation of employees and contract with persons necessary to enforce the provisions of this
24 article;

25 ~~(11)~~ (7) Investigate alleged violations of the provisions of this article, legislative rules,
26 orders and final decisions of the board;

27 ~~(12)~~ (8) Conduct disciplinary hearings of persons regulated by the board;

- (13) (9) Determine disciplinary action and issue orders;
- (14) (10) Institute appropriate legal action for the enforcement of the provisions of this article;
- (15) (11) Maintain an accurate registry of names and addresses of all persons regulated by the board;
- (16) (12) Keep accurate and complete records of its proceedings, and certify the same as may be necessary and appropriate;
- (17) (13) Establish, by legislative rule, the continuing education requirements for licensees; permittees, certificate holders and registrants; and
- (18) (14) Propose rules in accordance with the provisions of ~~article three, chapter twenty-nine-a~~ §29A-3-1 et seq. of this code to implement the provisions of this article.
- (c) The board may:
- (1) ~~Contract with third parties to administer the examinations required under the provisions of this article;~~
- (2) (1) Define, by legislative rule, the fees charged under the provisions of this article;
- (3) (2) Issue, renew, deny, suspend, revoke or reinstate a license; ~~permit, certificate and registration;~~
- (4) (3) Sue and be sued in its official name as an agency of this state;
- (5) (4) Confer with the Attorney General or his or her assistant in connection with legal matters and questions; and
- (6) (5) Take all other actions necessary and proper to effectuate the purposes of this article.

§30-23-7. Rule making.

- (a) The board shall propose rules for legislative approval, in accordance with the provisions of §29A-3-1 et seq. of this code, to implement the provisions of this article, including:
- (1) Standards and requirements for licensure and apprentice licensure ~~and permits~~ to practice medical imaging or radiation therapy technology;

- 5 ~~(2) Procedures for examinations and reexaminations;~~
6 ~~(3) Requirements for third parties to prepare and/or administer examinations and~~
7 ~~reexaminations;~~
8 ~~(4) (2) Educational and experience requirements; and the passing grade on the~~
9 ~~examination;~~
10 ~~(5) (3) Standards for approval of courses;~~
11 ~~(6) (4) Procedures for the issuance and renewal of a license, apprentice license and~~
12 ~~permit;~~
13 ~~(7) (5) A fee schedule;~~
14 ~~(8) (6) Continuing education requirements for licensees;~~
15 ~~(9) (7) The procedures for denying, suspending, revoking, reinstating or limiting the~~
16 ~~practice of a licensee; or permittee;~~
17 ~~(10) (8) Requirements for inactive or revoked licenses and apprentice licenses; and~~
18 ~~permits; and~~
19 ~~(11) (9) Any other rules necessary to effectuate the provisions of this article.~~

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

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

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

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

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

(a) ~~To be eligible for a license to practice Radiologic Technology, the applicant must:~~

~~(1) Be of good moral character;~~

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

~~(3) Have successfully completed an accredited program in Radiologic technology, as determined by an accreditation body recognized by the board, from a school of Radiologic Technology that has been approved by the board;~~

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

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

~~(6) Not have been convicted of a misdemeanor or a felony under the laws of any state or the United States at any time if the offense for which the applicant was convicted related to the practice of Medical Imaging, which conviction remains unreversed.~~

(a) To qualify for a license to practice Radiologic Technology, an applicant must have successfully completed an accredited Radiologic Technology program, approved by the board and recognized by an accredited body accepted by the board.

(b) To qualify for a license to practice Radiologic Technology, the applicant must pass the board-approved examination, which assesses knowledge of fundamental Radiologic Technology subjects, skills, and techniques.

(c) To qualify for a license to practice Radiologic Technology, the applicant must not have been convicted of a criminal offense that bears a rational nexus to the health care profession.

(d) To qualify for a license to practice Radiologic Technology, the applicant must possess a

24 current certification from a certification agency approved by the board.

25 (b) ~~(e)~~ A person seeking a Radiologic Technology license shall submit an application on a
26 form prescribed by the board and pay the license fee, which fee shall be returned to the applicant if
27 the license application is denied.

28 ~~(c)~~ ~~(f)~~ A Radiologic Technology license issued by the board prior to July 1, 2009 2026, shall
29 for all purposes be considered a license issued under this article.

§30-23-10. Scope of Practice for a Radiologic Technologist.

1 The scope of practice of a Radiologic Technologist that is educationally prepared and
2 clinically competent includes the following:

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

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

9 ~~(3)~~ (1) Selection, preparation, and operation of medical imaging equipment and
10 accessories to perform procedures;

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

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

15 ~~(6) Application of radiation protection principles to minimize radiation exposure to patient,~~
16 ~~self, and others;~~

17 ~~(7) Evaluation of images for technical quality;~~

18 ~~(8) Performance of noninterpretive fluoroscopic procedures according to institutional~~
19 ~~policy;~~

- ~~(9) Oversight of image processing standards and the appropriate labeling of images;~~
- ~~(10) Administering contrast media after consultation with, and under the supervision of, a physician who is immediately and physically available;~~
- ~~(11) Maintaining values congruent with the profession's Code of Ethics and scope of practice as well as adhering to national, institutional and/or departmental standards, policies and procedures regarding delivery of services and patient care; and~~
- ~~(12) Performing any other duties that the board authorizes for a Radiologic Technologist.~~
- (2) Administering medications enterally, parenterally, through new or existing vascular or through other routes as prescribed by a licensed practitioner;
- (3) Administering medications with an infusion pump or power injector as prescribed by a licensed practitioner;
- (4) Administering oxygen as prescribed by a licensed practitioner;
- (5) Applying, implementing and monitoring artificial intelligence (AI);
- (6) Applying principles of ALARA to minimize exposure to patient, self and others;
- (7) Applying principles of patient safety during all aspects of patient care;
- (8) Assisting in maintaining medical records while respecting confidentiality and adhering to HIPAA and established policy;
- (9) Corroborating a patient's clinical history with the procedure and ensuring information is documented and available for use by a licensed practitioner;
- (10) Educating and monitoring students and other health care providers;
- (11) Evaluating images for proper positioning and determining if additional images will improve the procedure or treatment outcome;
- (12) Evaluating images for technical quality and ensuring proper identification is recorded;
- (13) Identifying and responding to emergency situations;
- (14) Identifying, calculating, compounding, preparing, or administering medications as prescribed by a licensed practitioner;

- 46 (15) Performing ongoing quality assurance activities;
- 47 (16) Performing point-of-care testing as prescribed by a licensed practitioner;
- 48 (17) Performing venipuncture as prescribed by a licensed practitioner;
- 49 (18) Postprocessing data;
- 50 (19) Preparing patients for procedures;
- 51 (20) Providing education;
- 52 (21) Providing input for equipment and software purchase and supply decisions when
53 appropriate or requested;
- 54 (22) Providing optimal patient care;
- 55 (23) Receiving, relaying and documenting verbal, written, and electronic orders in the
56 patient's medical record;
- 57 (24) Selecting the appropriate protocol and optimizing technical factors while maximizing
58 patient safety;
- 59 (25) Starting, maintaining and/or removing intravenous access as prescribed by a licensed
60 practitioner;
- 61 (26) Verifying archival storage of data;
- 62 (27) Verifying informed consent for applicable procedures;
- 63 (28) Assisting a licensed practitioner or radiologist assistant with fluoroscopic and
64 specialized radiologic procedures;
- 65 (29) Performing diagnostic radiographic and noninterpretive fluoroscopic procedures as
66 prescribed by a licensed practitioner;
- 67 (30) Assisting a licensed practitioner with fluoroscopic and specialized interventional
68 radiography procedure;.
- 69 (30) Performing bone densitometry procedures as prescribed by a licensed practitioner;
- 70 (31) Maintaining intra-arterial access as prescribed by a licensed practitioner;
- 71 (32) Panning the procedure table during image production;

(33) Participating in physiological monitoring of patients;

(34) Performing diagnostic/interventional procedures as prescribed by a licensed practitioner;

(35) Performing manual and mechanical hemostasis, including the use of vascular closure devices, as prescribed by a licensed practitioner;

(36) Placing, maintaining, and removing peripherally inserted central catheters as prescribed by a licensed practitioner;

(37) Assisting a licensed practitioner or radiologist assistant with interventional computed tomography procedures;

(38) Performing computed tomography and molecular imaging procedures as prescribed by a licensed practitioner;

(39) Assisting a licensed practitioner or radiologist assistant with interventional breast procedures;

(40) Imaging pathologic breast specimens as prescribed by a licensed practitioner;

(41) Performing mammographic procedures per facility policy or as prescribed by a licensed practitioner; and

(42) Performing or assisting with clinical breast examination.

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

The scope of practice for a Radiation Therapist who is educationally prepared and clinically competent includes the following:

~~(1) Providing Radiation Therapy services by contributing as an essential member of the radiation oncology treatment team through provision of total quality care of each patient undergoing a prescribed course of treatment;~~

~~(2) Evaluating and assessing treatment delivery components;~~

~~(3) Providing Radiation Therapy treatment delivery services to cure or improve the quality of life of patients by accurately delivering a prescribed course of treatment;~~

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

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

~~(6) Performing any other duties that the board authorizes for a Radiation Therapist.~~

(1) Constructing/preparing immobilization, beam directional and beam-modification devices;

(2) Delivering radiation therapy treatments as prescribed by a radiation oncologist;

(3) Detecting and reporting significant changes in patients' conditions and determining when to withhold treatment until the radiation oncologist is consulted;

(4) Monitoring doses to normal tissues within the irradiated volume to ensure tolerance levels are not exceeded;

(5) Participating in brachytherapy procedures;

(6) Participating in superficial radiation therapy procedures as prescribed by a licensed practitioner;

(7) Performing simulation, localization, treatment planning procedures and dosimetric calculations as prescribed by a radiation oncologist;

(8) Using imaging technologies for the explicit purpose of simulation, treatment planning and treatment delivery as prescribed by a radiation oncologist;

(9) Administering medications enterally, parenterally, through new or existing vascular or through other routes as prescribed by a licensed practitioner;

(10) Administering medications with an infusion pump or power injector as prescribed by a licensed practitioner;

(11) Administering oxygen as prescribed by a licensed practitioner;

(12) Applying, implementing and monitoring AI;

- 35 (13) Applying principles of ALARA to minimize exposure to patient, self and others;
- 36 (14) Applying principles of patient safety during all aspects of patient care;
- 37 (15) Assisting in maintaining medical records while respecting confidentiality and adhering
38 to HIPAA and established policy;
- 39 (16) Corroborating a patient's clinical history with the procedure and ensuring information
40 is documented and available for use by a licensed practitioner;
- 41 (17) Educating and monitoring students and other health care providers;
- 42 (18) Evaluating images for proper positioning and determining if additional images will
43 improve the procedure or treatment outcome;
- 44 (19) Evaluating images for technical quality and ensuring proper identification is recorded;
- 45 (20) Identifying and responding to emergency situations;
- 46 (21) Identifying, calculating, compounding, preparing or administering medications as
47 prescribed by a licensed practitioner;
- 48 (22) Performing ongoing quality assurance activities;
- 49 (23) Performing point-of-care testing as prescribed by a licensed practitioner;
- 50 (24) Performing venipuncture as prescribed by a licensed practitioner;
- 51 (25) Postprocessing data;
- 52 (26) Preparing patients for procedures;
- 53 (27) Providing education;
- 54 (28) Providing input for equipment and software purchase and supply decisions when
55 appropriate or requested;
- 56 (29) Providing optimal patient care;
- 57 (30) Receiving, relaying and documenting verbal, written and electronic orders in the
58 patient's medical record;
- 59 (31) Selecting the appropriate protocol and optimizing technical factors while maximizing
60 patient safety;

- 61 (32) Starting, maintaining and/or removing intravenous access as prescribed by a licensed
62 Practitioner;
63 (33) Verifying archival storage of data; and
64 (34) Verifying informed consent for applicable procedures.

§30-23-12. Exemptions from Radiologic Technology a Medical Imaging license.

1 The following persons are not required to obtain a Medical Imaging or Radiologic
2 Technology license in accordance with the provisions of this article:

3 (1) A Medical Imaging Technology or Radiation Therapy student enrolled in and attending
4 an approved school of ~~Medical Imaging Technology who as part of his or her course of study~~
5 ~~applies medical imaging technology to a human being and is practicing~~ under the supervision of a
6 licensed Medical Imaging or Radiation Therapy Technologist during clinical education
7 assignments;

8 (2) A person An individual acting as a dental assistant or a licensed dental hygienist who
9 under the supervision of a licensed dentist operates only radiographic dental equipment for the
10 sole purpose of dental radiography of the oral cavity;

11 (3) ~~A person engaged in performing the duties of a Medical Imaging Technologist in the~~
12 ~~person's employment by an agency, bureau or division of the government of the United States; An~~
13 ASPMA certified Podiatric Medical Assistant, under the supervision of a licensed Podiatrist, who
14 operates only radiographic equipment for the sole purpose of podiatric radiography of the foot and
15 ankle;

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

17 (5) ~~A person licensed as a Radiologist Assistant under the West Virginia Board of~~
18 ~~Medicine; and~~

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

20 (A) ~~Had engaged in the practice of Radiologic Technology for the limited purpose of~~
21 ~~performing bone densitometry in this state for five or more years;~~

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

~~(C) Received a densitometry technologist degree certified by the International Society for~~

~~Clinical Densitometry.~~

**§30-23-13. Requirements for temporary Medical Imaging and Radiation Therapy
Technology license.**

[Repealed.]

**§30-23-14. Medical Imaging and Radiation Therapy Technology license from another state;
license to practice in this state.**

~~The board may issue a license to practice Medical Imaging and Radiation Therapy
Technology in this state, without requiring an examination, to an applicant from another jurisdiction
who:~~

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

~~(2) Is of good moral character;~~

~~(3) Holds a valid Medical Imaging and Radiation Therapy Technology license, certificate or
other authorization, including the American Registry of Radiologic Technologists, or Nuclear
Medicine Technology Certification Board or equivalent to practice Medical Imaging and Radiation
Therapy Technology in another jurisdiction and meets requirements which are substantially
equivalent to the Medical Imaging and Radiation Therapy Technology licensure requirements set
forth in this article;~~

~~(4) Is not currently being investigated by a disciplinary authority of this state or another
jurisdiction, does not have charges pending against his or her license or other authorization to
practice Medical Imaging and Radiation Therapy Technology, and has never had a license or other
authorization to practice Medical Imaging and Radiation Therapy Technology revoked;~~

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

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

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

(a) To qualify for a license to practice Medical Imaging and/or Radiation Therapy, an applicant who does not meet the residency requirements under the Universal Professional and Occupational Act of 2025, must meet the following requirements;

(1) An applicant must have successfully completed an accredited Medical Imaging and/or Radiation Therapy program, approved by the board and recognized by an accredited body accepted by the board.

(2) An applicant must pass the board-approved examination, which assesses knowledge of fundamental Medical Imaging and/or Radiation Therapy Technology subjects, skills, and techniques.

(3) An applicant shall maintain active certification through a Board-approved credentialing agency, demonstrating compliance with its continuing education requirements.

(4) An applicant shall not have been convicted of a criminal offense that bears a rational nexus to the health care profession.

(5) An applicant shall submit an application on a form prescribed by the board and pay the license fee.

§30-23-15. Requirements for Nuclear Medicine Technologist license

~~(a) To be eligible for a license to practice Nuclear Medicine Technology, the applicant must:~~

~~(1) Be of good moral character;~~

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

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

~~(4) Not have been convicted of a misdemeanor or a felony under the laws of any state or the United States at any time if the offense for which the applicant was convicted related to the practice of Medical Imaging, which conviction remains unreversed.~~

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

~~(A) Have a baccalaureate or associate degree in one of the physical or biological sciences pertaining to the Medical Imaging or Radiation Therapy profession;~~

~~(B) Have a baccalaureate or associate degree in other disciplines of Medical Imaging with successful completion of courses in the following areas: college algebra, physics or chemistry, human anatomy, physiology, and radiation safety;~~

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

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

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

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

~~(6) Pass an examination which has been approved by the board, with a minimum passing score of seventy-five percent, which examination shall cover the basic subject matter of medical imaging, radiation safety, skills and techniques as it pertains to Nuclear Medicine.~~

~~(b) A person seeking a Nuclear Medicine Technology license shall submit an application on a form prescribed by the board and pay the license fee, which fee shall be returned to the applicant if the license application is denied.~~

~~(c) A Nuclear Medicine Technology license issued by the board prior to July 1, 2007, shall for all purposes be considered a license issued under this article: *Provided*, That a person holding a Nuclear Medicine Technology license issued prior to July 1, 2007, must renew the license pursuant to the provisions of this article.~~

(a) To qualify for a license to practice Nuclear Medicine, an applicant must have successfully completed an accredited program, approved by the board and recognized by an accredited body accepted by the board.

(b) To qualify for a license to practice Nuclear Medicine, the applicant must pass the board approved examination, which assesses knowledge of fundamental Nuclear Medicine subjects, skills, and techniques.

(c) To qualify for a license to practice Nuclear Medicine, the applicant shall maintain active certification through a Board-approved credentialing agency, demonstrating compliance with its continuing education requirements.

(d) To qualify for a license to practice Nuclear Medicine, the applicant shall not have been convicted of a criminal offense that bears a rational nexus to the health care profession.

(e) A person seeking a Nuclear Medicine license shall submit an application on a form prescribed by the board and pay the license fee.

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

The scope of practice for Nuclear Medicine Technology that is educationally prepared and clinically competent includes the following:

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

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

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

~~(C) Immediate predose review of patient's identification, prescribed dose quantity and route of administration, and identification of the test agent designed to prevent dose misadministration;~~

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

~~(E) Administration of appropriate diagnostic dose levels of radiopharmaceuticals;~~

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

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

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

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

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

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

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

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

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

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

~~(2) The practice for handling radiopharmaceuticals which includes:~~

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

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

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

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

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

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

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

~~(C) Maintenance of records of radioactive material receipt, use, storage, and disposal in~~

accordance with regulatory requirements;

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

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

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

(G) Performing any other duties that the board determines may be performed by a Nuclear Medicine Technologist.

(4) The scope of practice for a Nuclear Medicine Technologist or certified PET Technologist to operate a multimodality device, i.e. PET/CT, SPECT/CT etc, requires that:

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

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

(1) Applying principles of magnetic resonance safety to minimize risk to patient, self and others when performing PET-MR;

(2) Assembling, calibrating, maintaining, eluting and administering radiopharmaceuticals from the radionuclide infusion system and the generator while complying with standards and as

71 prescribed by a licensed practitioner and under the supervision of an authorized user;

72 (3) Performing hybrid imaging, including PET-CT, PET-MR and SPECT-CT for emission,
73 transmission, attenuation correction, anatomical location and for use in radiation therapy
74 treatment planning when performed within hybrid imaging as prescribed by a licensed practitioner
75 and under the supervision of an authorized user;

76 (4) Performing nuclear medicine and molecular imaging procedures, radiotheranostics or
77 therapies as prescribed by a licensed practitioner and under the supervision of an authorized user;

78 (5) Procuring, identifying, calculating, preparing and/or administering ionizing radiation
79 (radioactive material and computed tomography) and nonionizing radiation as prescribed by a
80 licensed practitioner and under the supervision of an authorized user;

81 (6) Administering medications enterally, parenterally, through new or existing vascular or
82 through other routes as prescribed by a licensed practitioner;

83 (7) Administering medications with an infusion pump or power injector as prescribed by a
84 licensed practitioner;

85 (8) Administering oxygen as prescribed by a licensed practitioner;

86 (9) Applying, implementing and monitoring AI;

87 (10) Applying principles of ALARA to minimize exposure to patient, self and others;

88 (11) Applying principles of patient safety during all aspects of patient care;

89 (12) Assisting in maintaining medical records while respecting confidentiality and adhering
90 to HIPAA and established policy;

91 (13) Corroborating a patient's clinical history with the procedure and ensuring information
92 is documented and available for use by a licensed practitioner;

93 (14) Educating and monitoring students and other health care providers;

94 (15) Evaluating images for proper positioning and determining if additional images will
95 improve the procedure or treatment outcome;

96 (16) Evaluating images for technical quality and ensuring proper identification is recorded;

97 (17) Identifying and responding to emergency situations;

98 (18) Identifying, calculating, compounding, preparing or administering medications as
99 prescribed by a licensed practitioner;

100 (19) Performing ongoing quality assurance activities;

101 (20) Performing point-of-care testing as prescribed by a licensed practitioner;

102 (21) Performing venipuncture as prescribed by a licensed practitioner;

103 (22) Postprocessing data;

104 (23) Preparing patients for procedures;

105 (24) Providing education;

106 (25) Providing input for equipment and software purchase and supply decisions when
107 appropriate or requested;

108 (26) Providing optimal patient care;

109 (27) Receiving, relaying and documenting verbal, written and electronic orders in the
110 patient's medical record;

111 (28) Selecting the appropriate protocol and optimizing technical factors while maximizing
112 patient safety;

113 (29) Starting, maintaining and/or removing intravenous access as prescribed by a licensed
114 practitioner;

115 (30) Verifying archival storage of data; and

116 (31) Verifying informed consent for applicable procedures.

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

1 ~~(a) To be eligible for a license to practice Magnetic Resonance Imaging Technology, the~~
2 ~~applicant must:~~

3 ~~(1) Be of good moral character;~~

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

5 ~~(3) Not have been convicted of a felony under the laws of any state or the United States~~

~~within five years preceding the date of application for licensure, which conviction remains unreversed;~~

~~(4) Not have been convicted of a misdemeanor or a felony under the laws of any state or the United States at any time if the offense for which the applicant was convicted related to the practice of Medical Imaging, which conviction remains unreversed.~~

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

~~(A) Have a baccalaureate or associate degree in one of the physical or biological sciences pertaining to the Medical Imaging or Radiation Therapy profession;~~

~~(B) Have a baccalaureate or associate degree in other disciplines of Medical Imaging with successful completion of courses in the following areas: college algebra, physics or chemistry, human anatomy, physiology, and radiation safety;~~

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

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

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

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

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

~~(6) Pass an examination which has been approved by the board, with a minimum passing score of seventy-five percent, which examination shall cover the basic subject matter of Medical Imaging, radiation safety, skills and techniques as it pertains to Magnetic Resonance Imaging.~~

~~(b) A person seeking a Magnetic Resonance Imaging Technology license shall submit an application on a form prescribed by the board and pay the license fee, which fee shall be returned to the applicant if the license application is denied.~~

~~(c) A Magnetic Resonance Imaging Technology license issued by the board prior to July 1, 2007, shall for all purposes be considered a license issued under this article: *Provided*, That a person holding a Magnetic Resonance Imaging Technology license issued prior to July 1, 2007,~~

~~must renew the license pursuant to the provisions of this article.~~

(a) To qualify for a license to practice Magnetic Resonance Imaging, an applicant must:

(1) Have successfully completed an accredited education program, approved by the board and recognized by an accredited body accepted by the board;

(2) Pass the board-approved examination, which assesses knowledge of fundamental Magnetic Resonance Imaging subjects, skills, and techniques;

(3) Maintain active certification through a Board-approved credentialing agency, demonstrating compliance with its continuing education requirements; and

(4) Not have been convicted of a criminal offense that bears a rational nexus to the healthcare profession.

(b) A person seeking a Magnetic Resonance Imaging license shall submit an application on a form prescribed by the board and pay the license fee.

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

The scope of practice for Magnetic Resonance Imaging Technology that is educationally prepared and clinically competent includes the following:

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

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

~~(3) Assist with scheduling patients and coordinating exams to assure smooth work flow and review patient's chart to verify physician's orders;~~

~~(4) Assist patient on and off the scanning table and maintain communication and provide reassurance to patient throughout scanning procedure;~~

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

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

~~(7) Evacuate patient in emergency situation (e.g., quench, code, metallic object);~~

~~(8) Provide hearing protection to patient and others;~~

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

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

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

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

~~(13) Select all parameters needed to obtain a highly diagnostic image;~~

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

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

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

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

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

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

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

- 40 (1) Applying principles of magnetic resonance safety to minimize risk to patient, self and
41 others;
- 42 (2) Assisting a licensed practitioner or radiologist assistant with magnetic resonance
43 interventional procedures;
- 44 (3) Performing magnetic resonance and molecular imaging procedures as prescribed by a
45 licensed practitioner;
- 46 (4) Selecting appropriate pulse sequences with consideration given to established
47 protocols and other factors influencing data acquisition parameters;
- 48 (5) Administering medications enterally, parenterally, through new or existing vascular or
49 through other routes as prescribed by a licensed practitioner;
- 50 (6) Administering medications with an infusion pump or power injector as prescribed by a
51 licensed practitioner;
- 52 (7) Administering oxygen as prescribed by a licensed practitioner;
- 53 (8) Applying, implementing and monitoring AI;
- 54 (9) Applying principles of ALARA to minimize exposure to patient, self and others;
- 55 (10) Applying principles of patient safety during all aspects of patient care;
- 56 (11) Assisting in maintaining medical records while respecting confidentiality and adhering
57 to HIPAA and established policy;
- 58 (12) Corroborating a patient's clinical history with the procedure and ensuring information
59 is documented and available for use by a licensed practitioner;
- 60 (13) Educating and monitoring students and other health care providers;
- 61 (14) Evaluating images for proper positioning and determining if additional images will
62 improve the procedure or treatment outcome;
- 63 (15) Evaluating images for technical quality and ensuring proper identification is recorded.
- 64 (16) Identifying and responding to emergency situations;
- 65 (17) Identifying, calculating, compounding, preparing or administering medications as

prescribed by a licensed practitioner;

(18) Performing ongoing quality assurance activities;

(19) Performing point-of-care testing as prescribed by a licensed practitioner;

(20) Performing venipuncture as prescribed by a licensed practitioner;

(21) Postprocessing data;

(22) Preparing patients for procedures;

(23) Providing education;

(24) Providing input for equipment and software purchase and supply decisions when appropriate or requested;

(25) Providing optimal patient care;

(26) Receiving, relaying and documenting verbal, written and electronic orders in the patient's medical record;

(27) Selecting the appropriate protocol and optimizing technical factors while maximizing patient safety;

(28) Starting, maintaining and/or removing intravenous access as prescribed by a licensed Practitioner;

(29) Verifying archival storage of data; and

(30) Verifying informed consent for applicable procedures.

~~§30-23-19. Requirements for an apprentice license. for Nuclear Medicine Technologists and Magnetic Resonance Imaging Technologists.~~

~~(a) The board may issue an apprentice license to an individual who is practicing as a Nuclear Medicine Technologist or a Magnetic Resonance Imaging Technologist prior to July 1, 2007 but has not obtained certification in the discipline. A notarized letter, signed by the individual's supervising licensed physician, must be submitted with the individual's application, stating that the individual has performed the duties of a Nuclear Medicine Technologist or Magnetic Resonance Imaging Technologist prior to July 1, 2007.~~

~~(b) The apprentice license is valid for one year. An apprentice license may be renewed annually for an additional four years, giving the individual a total of five years to complete the requirements and successfully pass the certification examination for a Nuclear Medicine Technologist license or a Magnetic Resonance Imaging Technologist license. All individuals possessing an apprentice license must work under the supervision of a licensed practitioner for MRI, an authorized user for nuclear medicine or a technologist who is licensed in that discipline.~~

~~(c) Any individual possessing a valid Medical Imaging license issued by the board and seeks to cross-train in the discipline of Nuclear Medicine Technology or Magnetic Resonance Imaging Technology, may obtain an apprentice license in that discipline for the purpose of obtaining the necessary clinical experience requirements in order to qualify to sit for the required examination. This apprentice license will be valid for one year and renewable for four years, giving a cross-trained individual five years to obtain certification in the discipline.~~

(a) Any individual holding a valid Medical Imaging and/or Radiation Therapy license issued by the board who wishes to cross-train in another modality may obtain an apprentice license to gain the clinical experience required to qualify for the certification examination.

(b) This apprentice license is valid for one year and can be renewed annually for up to four additional years, allowing a total of five years to achieve certification in the discipline.

(c) All apprentice license holders must work under the direct supervision of a licensed technologist.

(d) The licensed technologist providing direct supervision must be physically present and immediately available to provide personal instruction, guidance, and direct oversight to the apprentice while procedures are being performed. The supervising technologist must review and approve all imaging or therapeutic procedures before they are performed and must be physically present and immediately available to intervene if necessary to ensure patient safety and compliance with professional standards.

(e) A licensed medical imaging technologist who achieves multimodality imaging

33 certification is permitted to practice in the corresponding imaging specialties.

§30-23-20. Requirements for Podiatric Medical Assistant permit.

1 [Repealed.]

§30-23-21. Scope of practice for Podiatric Medical Assistants.

1 [Repealed.]

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

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

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

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

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

§30-23-23. Display of license.

1 [Repealed.]

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

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

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

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

9 (3) Dishonesty, fraud, professional negligence in the performance of medical imaging or

radiation therapy technology, or a willful departure from the accepted standards of practice and professional conduct;

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

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

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

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

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

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

~~(10) (9) Conviction of a felony or a crime involving dishonesty or fraud or any similar crime under the laws of the United States, this state or another jurisdiction, that bears a rational nexus to the health care profession,~~ if the underlying act or omission involved would have constituted a crime under the laws of this state;

~~(11) (10) Knowingly using any false or deceptive statements in advertising;~~

~~(12) (11) Any conduct adversely affecting the licensee's or permittee's fitness to perform Medical Imaging or Radiation Therapy Technology; or~~

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

(12) Failure to obtain written or verbal authorization from a licensed practitioner as required by federal and state regulations.

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

(c) If the board suspends, revokes, refuses to issue, refuses to renew or limits any license ~~permit~~ or practice privilege, the board shall make and enter an order to that effect and give written notice of the order to the person by certified mail, return receipt requested, which order shall

36 include a statement of the charges setting forth the reasons for the action, and notice of the date,
37 time and place of the hearing. ~~If a license or permit is ordered suspended or revoked, then the~~
38 ~~licensee or permittee shall, within twenty days after receipt of the order, return the license,~~
39 ~~apprentice license or permit to the board.~~ The hearing shall be held in accordance with the
40 provisions of this article.

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

§30-23-25. Complaints; investigations; notice.

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

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

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

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

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

4 (b) Either party may elect to have an administrative law judge or hearing examiner conduct

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

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

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

20 (e) Any licensee ~~or permittee~~ adversely affected by any decision of the board entered after
21 a hearing, may obtain judicial review of the decision in accordance with ~~section four, article five,~~
22 ~~chapter twenty-nine-a~~ §29A-5-4 of this code, and may appeal any ruling resulting from judicial
23 review in accordance with ~~article five, chapter twenty-nine-a~~ §29A-5-1 et seq. of this code.

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

§30-23-27. Injunctions.

1 (a) When, by reason of an investigation under this article or otherwise, the board or any
2 other interested person believes that a person has violated or is about to violate any provision of
3 this article, any rule promulgated hereunder, any order of the board or any final decision of the
4 board, the board or any other interested person may apply to any court of competent jurisdiction

for an injunction against such person enjoining such person from the violation. Upon a showing that the person has engaged in or is about to engage in any prohibited act or practice, an injunction, restraining order or other appropriate order may be granted by the court without bond.

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

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

§30-23-31. Requirements for Radiation Therapist License

(a) To qualify for a license to practice Radiation Therapy, an applicant must have successfully completed an accredited education program, approved by the board and recognized by an accredited body accepted by the board.

(b) To qualify for a license to practice Radiation Therapy, the applicant must pass the board- approved examination, which assesses knowledge of fundamental Radiation Therapy Technology subjects, skills, and techniques.

(c) To qualify for a license to practice Radiation Therapy, the applicant shall maintain active certification through a Board-approved credentialing agency, demonstrating compliance with its continuing education requirements.

(d) To qualify for a license to practice Radiation Therapy, the applicant shall not have been convicted of a criminal conviction that bears a rational nexus to the health care profession.

(e) A person seeking a Radiation Therapy license shall submit an application on a form prescribed by the board and pay the license fee.

§30-23-32. Requirements for Radiologist Assistant License

(a) To qualify for a license to practice as a Radiologist Assistant, an applicant must have successfully completed an accredited Radiologist Assistant program, approved by the board and recognized by an accredited body accepted by the board.

(b) To qualify for a license to practice as a Radiologist Assistant, the applicant must pass

5 the board-approved examination, which assesses knowledge of fundamental Radiologist
6 Assistant Technology subjects, skills, and techniques.

7 (c) To qualify for a license to practice as a Radiologist Assistant, the applicant shall
8 maintain active certification through a Board-approved credentialing agency, demonstrating
9 compliance with its continuing education requirements.

10 (d) To qualify for a license to practice as a Radiologist Assistant, the applicant shall not
11 have been convicted of a criminal conviction that bears a rational nexus to the healthcare
12 profession.

13 (e) A person seeking a Radiologist Assistant license shall submit an application on a form
14 prescribed by the board and pay the license fee.

§30-23-33. Scope of Practice of a Radiologist Assistant

1 (a) The scope of practice for a Radiologist Assistant that is educationally prepared and
2 clinically competent includes the following:

3 (1) Assessing, monitoring and managing patient status, including patients under minimal
4 and moderate sedation;

5 (2) Assisting with data collection and review for clinical trials or other research;

6 (3) Communicating the supervising radiologist's report to the appropriate health care
7 provider consistent with the ACR Practice Guidelines for Communication of Diagnostic Imaging
8 Findings;

9 (4) Completing patient history and physical;

10 (5) Emphasizing patient safety and verifying procedure appropriateness by analyzing and
11 incorporating evidence-based practices for optimal patient care;

12 (6) Evaluating images for completeness and diagnostic quality and recommending
13 additional images;

14 (7) Identifying and administering radioactive materials as prescribed by a supervising
15 radiologist and under the supervision of an authorized user;

16 (8) Identifying variances that may influence the expected outcome through preprocedural
17 evaluation as part of the radiologist-led team;

18 (9) Obtaining images necessary for diagnosis and communicating initial observations to
19 the supervising radiologist. The radiologist assistant does not provide image interpretation as
20 defined by the ACR;

21 (10) Participating in or obtaining informed consent;

22 (11) Participating in quality assurance activities within the radiology practice;

23 (12) Performing or assisting with invasive or noninvasive imaging procedures as delegated
24 by the radiologist who is licensed to practice and has privileges for the procedure being performed
25 by the radiologist assistant;

26 (13) Providing follow-up patient evaluation;

27 (14) Administering medications enterally, parenterally, through new or existing vascular or
28 through other routes as prescribed by a licensed practitioner;

29 (15) Administering medications with an infusion pump or power injector as prescribed by a
30 licensed practitioner;

31 (16) Administering oxygen as prescribed by a licensed practitioner;

32 (17) Applying, implementing and monitoring AI;

33 (18) Applying principles of ALARA to minimize exposure to patient, self and others;

34 (19) Applying principles of patient safety during all aspects of patient care;

35 (20) Assisting in maintaining medical records while respecting confidentiality and adhering
36 to HIPAA and established policy;

37 (21) Corroborating a patient's clinical history with the procedure and ensuring information
38 is documented and available for use by a licensed practitioner;

39 (22) Educating and monitoring students and other health care providers;

40 (23) Evaluating images for proper positioning and determining if additional images will
41 improve the procedure or treatment outcome;

- 42 (24) Evaluating images for technical quality and ensuring proper identification is recorded;
- 43 (25) Identifying and responding to emergency situations;
- 44 (26) Identifying, calculating, compounding, preparing or administering medications as
45 prescribed by a licensed practitioner;
- 46 (27) Performing ongoing quality assurance activities;
- 47 (28) Performing point-of-care testing as prescribed by a licensed practitioner;
- 48 (29) Performing venipuncture as prescribed by a licensed practitioner;
- 49 (30) Postprocessing data;
- 50 (31) Preparing patients for procedures;
- 51 (32) Providing education;
- 52 (33) Providing input for equipment and software purchase and supply decisions when
53 appropriate or requested;
- 54 (34) Providing optimal patient care;
- 55 (35) Receiving, relaying and documenting verbal, written and electronic orders in the
56 patient's medical record;
- 57 (36) Selecting the appropriate protocol and optimizing technical factors while maximizing
58 patient safety;
- 59 (37) Starting, maintaining and/or removing intravenous access as prescribed by a licensed
60 practitioner;
- 61 (38) Verifying archival storage of data; and
- 62 (39) Verifying informed consent for applicable procedures.

NOTE: The purpose of this bill is to update the requirements to practice medical imaging or radiation therapy in the state and to update the powers and duties of the Medical Imaging Board.

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