

RADIOLOGY TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT

58-54-1. Short title.

This chapter is known as the "Radiology Technologist and Radiology Practical Technician Licensing Act".

58-54-2. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board means the Radiology Technologist Licensing Board established under this chapter.
- (2) "Practice of radiologic technology" means using radiation from a radioactive substance, radiology equipment, or any other source, in amounts beyond normal background levels, for diagnostic or therapeutic purposes on humans.
- (3) "Radiologist" means a physician certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons.
- (4) "Radiology equipment" means any medical radiation device that emits ionizing or nonionizing radiation or detects that radiation for the purpose or intended purpose of:
 - (a) diagnosing disease or other medical conditions in humans; or
 - (b) treating, curing, mitigating, or preventing disease in humans.
- (5) "Radiology practical technician" means a person licensed under this chapter to engage in a practice of radiologic technology performing limited diagnostic radiology procedures:
 - (a) as defined and permitted by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (b) under the supervision of a radiologist or radiology practitioner.
- (6) "Radiology practitioner" means any person or individual licensed in this state as a physician and surgeon, osteopathic physician, podiatric physician, chiropractic physician, dentist, dental hygienist, or a physician's assistant, nurse practitioner, or nurse specialist practicing under the supervision of an approved supervising physician and in accordance with an approved protocol and utilization plan.
- (7) "Radiology technologist" means a person licensed under this chapter to engage in the practice of radiology technology under the supervision of a radiologist or radiology practitioner including the administration of parenteral contrast media, radionuclides, and other medications incidental to radiology procedures provided the administrations are under the direct supervision of a qualified physician and the technologist is currently certified in cardiopulmonary resuscitation (CPR) and appropriate patient care procedures.
- (8) "Unlawful conduct" as defined in Section 58-1-501 includes:
 - (a) using any of the following titles if not licensed as a radiology technologist under this chapter:
 - (i) radiology practical technician;
 - (ii) radiology technologist;
 - (iii) medical radiographer;
 - (iv) radiation therapist; or
 - (v) nuclear medicine technologist; and
 - (b) using the title "radiology practical technician" if not licensed as a radiology practical technician under this chapter.
- (9) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:

- (a) any act or omission by a person licensed under this chapter that is contrary to the instructions of the radiologist or radiology practitioner responsible for supervising the licensee and which does or reasonably could pose a threat to the health, safety, or welfare of a patient or any other person;
- (b) operating any radiology equipment that is known to be unsafe or not in compliance with all applicable state requirements regulating radiology equipment;
- (c) permitting any person to operate any radiology equipment who is not permitted to do so under provisions of law or who is incompetent to operate radiology equipment for any reason;
- (d) revealing to any unauthorized person any information considered confidential or privileged regarding any patient;
- (e) the use of any controlled substance as defined by the statutes of this state except to the extent the controlled substance is lawfully prescribed to the licensee and used in accordance with the instructions of the prescribing practitioner; and
- (f) willfully and intentionally or negligently making any false statement or entry on any patient record or upon any record used to facilitate payment for radiology services.

58-54-3. Board created - Membership - Duties.

- (1) There is hereby created a Radiology Technologist Licensing Board consisting of seven members as follows:
 - (a) four licensed radiology technologists;
 - (b) one licensed radiology practical technician;
 - (c) one radiologist; and
 - (d) one member from the general public.
- (2) The board shall be appointed in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with 58-1-202 and 58-1-203.
- (4) In accordance with Subsection 58-1-203(6), there is established an advisory peer committee to the board consisting of eight members broadly representative of the state and including:
 - (a) one licensed physician and surgeon who is not a radiologist and who uses radiology equipment in a rural office-based practice, appointed from among recommendations of the Physicians Licensing Board;
 - (b) one licensed physician and surgeon who is not a radiologist and who uses radiology equipment in an urban office-based practice, appointed from among recommendations of the Physicians Licensing Board;
 - (c) one licensed physician and surgeon who is a radiologist practicing in radiology, appointed from among recommendations of the Physicians Licensing Board;
 - (d) one licensed osteopathic physician, appointed from among recommendations of the Osteopathic Physician Licensing Board;
 - (e) one licensed chiropractic physician, appointed from among recommendations of the Chiropractors Licensing Board;
 - (f) one licensed podiatric physician, appointed from among recommendations of the Podiatric Physician Board;
 - (g) one representative of the state agency with primary responsibility for regulation of sources of radiation, recommended by that agency; and
 - (h) one representative of a general acute hospital, as defined in Section 26-21-2, that is located in a rural area of the state.

- (5) (a) Except as required by Subsection (b), members of the advisory peer committee shall be appointed to four-year terms by the director in collaboration with the board from among the recommendations.
- (b) Notwithstanding the requirements of Subsection (a), the director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
- (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (ii) Members may decline to receive per diem and expenses for their service.
- (b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (ii) State government officer and employee members may decline to receive per diem and expenses for their service.
- (7) The duties, responsibilities, and scope of authority of the advisory peer committee are:
 - (a) to advise the board with respect to the board's fulfillment of its duties, functions and responsibilities under Sections 58-1-202 and 58-1-203; and
 - (b) to advise the division with respect to the examination the division is to adopt by rule, by which a radiology practical technician may qualify for licensure under Section 58-54-5.

58-54-4. License required.

- (1) An individual may not engage in the practice of radiologic technology unless licensed or exempted from licensure under this chapter.
- (2) The division shall issue to persons qualified under this chapter a license in the classification of radiology technologist or radiology practical technician.
- (3) A license shall be issued without regard to any area of practice specialty as a radiology technologist. A license for a radiology practical technician may be issued certifying the practical technician for a specialty type or limited practice.

58-54-4.3. Exemption from licensure.

A person may engage in the practice of radiology technology without being licensed under this chapter if:

- (1) (a) the person is filling a new or existing position as an employee performing the duties of a radiology practical technician when a licensed radiology practical technician is not available to begin in the new position or continue filling the existing position;
- (b) the total period in which the position is filled by the unlicensed person is not more than 90 days;

- (c) the unlicensed person at all times performs services as a radiology practical technician under the direct on-premises supervision of a radiology practitioner; and
 - (d) the employee position filled by an unlicensed person under this section is an existing position and was filled by a person licensed under this chapter immediately prior to employment of the unlicensed person;
- (2) the person:
- (a) performs services in a dental facility under the supervision of a dentist licensed to practice in this state; and
 - (b) has completed a radiology course approved by the Dentists and Dental Hygienists Board created under Section 58-69-201; or
- (3) the person:
- (a) performs services in a medical facility under the supervision of a podiatric physician licensed to practice in this state; and
 - (b) has completed a radiology course approved by the Podiatric Physician Board created under Section 58-5a-201.

58-54-4.5. Repealed.

58-54-5. Requirements for licensure.

- (1) Each applicant for licensure as a radiology technologist or radiology practical technician shall:
 - (a) submit an application in a form prescribed by the division in collaboration with the board;
 - (b) pay a fee as determined by the department pursuant to Section 63J-1-504;
 - (c) be of good moral character;
- (2) Each applicant for licensure as a radiology technologist shall, in addition to the requirements of Subsection (1):
 - (a) be a graduate of an accredited educational program in radiology technology or certified by the American Registry of Radiologic Technologists or any equivalent educational program approved by the division in collaboration with the board; and
 - (b) have passed an examination approved by the division in collaboration with the board.
- (3) Each applicant for licensure as a radiology practical technician shall, in addition to the requirements of Subsection (1), have passed a basic examination and one or more specialty examinations that rate competency based, using a task analysis of the scope of practice of radiology practical technicians in the state. The basic examination and the specialty examination shall be approved by the division in collaboration with the board and the licensing board of the profession within which the radiology practical technician will be practicing.
- (4) The division shall provide for administration of the radiology practical technician examination not less than monthly at offices designated by the division and located:
 - (a) in Salt Lake City; and
 - (b) within each local health department jurisdictional area.

58-54-6. Term of license - Expiration - Renewal.

- (1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) At the time of renewal, licensees shall show satisfactory evidence of each of the following renewal requirements:
 - (a) 16 hours of approved professional education during a two-year period, defined by rule, before renewal of a radiology technologist license.
 - (b) 10 hours of approved professional education during a two-year period, defined by rule, before renewal of a radiology practical technician license.
- (3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

58-54-7. Grounds for denial of license - Disciplinary proceedings.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

58-54-8. Supervision and prescription required.

- (1) The practice of radiologic technology by a radiology technologist licensed under this chapter shall be under the general supervision of a radiologist or radiology practitioner and may be performed only upon the order of a radiologist or radiology practitioner acting within the scope of his license and experience within the scope of practice of a radiology practitioner.

58-54-9. Repealed.

58-54-10. Repealed.

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