

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 902
Apr 25, 2017
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40529-MVfq-7A (04/10)

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

Sponsors: Representative Insko.

Referred to:

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

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 90 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 43.

9 "Radiologic Technologists and Radiation Therapists.

10 "§ 90-735. Title.

11 This Article may be cited as the "Patient Safety in Radiologic Imaging Act."

12 "§ 90-736. Findings.

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

20 "§ 90-737. Definitions.

21 The following definitions apply in this Article:

- 22 (1) Board. – The Radiologic Imaging and Radiation Therapy Board of
23 Examiners.
24 (2) Bone densitometry. – The determination of bone mass by means of the
25 radiation absorption by a skeleton or part of a skeleton.
26 (3) Certification organization. – A national certification organization that
27 specializes in the certification and registration of radiologic imaging or
28 radiation therapy technical personnel and is accredited by the National
29 Commission for Certifying Agencies, the American National Standards
30 Institute, the International Organization for Standardization, or other
31 accreditation organization recognized by the Board.
32 (4) Computed tomography. – The process of producing sectional and
33 three-dimensional images using external ionizing radiation for diagnostic or
34 therapeutic purposes.



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- 1 (5) Fluoroscopy. – The exposure of a patient to X-rays in a fluoroscopy mode,
2 including positioning the patient and fluoroscopy equipment and the
3 selection of exposure factors.
- 4 (6) Hybrid imaging. – Radiologic imaging equipment or a radiologic imaging
5 procedure that combines more than one radiologic imaging modality into a
6 single device.
- 7 (7) Ionizing radiation. – As defined by G.S. 104E-5(9).
- 8 (8) Licensed practitioner. – A person licensed to practice medicine, dentistry,
9 podiatry, or chiropractic medicine in this State.
- 10 (9) Limited X-ray machine operator. – A person who is licensed under this
11 Article to perform, under the supervision of a radiographer or licensed
12 practitioner, radiography or bone densitometry procedures resulting in
13 diagnostic radiographic images of selected specific parts of human anatomy
14 or bone density measurements.
- 15 (10) Mobile imaging. – Any arrangement in which radiologic imaging services
16 are transported to various sites. Mobile imaging does not include movement
17 within a hospital or movement to a site where the equipment will be located
18 permanently.
- 19 (11) Modality. – Technologies used in the diagnosis or treatment of disease or
20 other medical conditions in human beings, including the following:
- 21 a. Nuclear medicine and its specializations.
- 22 b. Radiation therapy and its specializations.
- 23 c. Radiography and its specializations.
- 24 (12) Nuclear medicine technologist. – A person who is licensed under this Article
25 to perform nuclear medicine and molecular imaging procedures using sealed
26 and unsealed radiation sources, ionizing and nonionizing radiation,
27 adjunctive medicines, and therapeutic procedures using unsealed radioactive
28 sources.
- 29 (13) Public member. – A resident of North Carolina who is not a licensed
30 practitioner, does not perform radiologic imaging or radiation therapy
31 procedures under this Article, and is not affiliated with any group or
32 profession that provides or regulates health care or that may in any way
33 hinder the public member in representing the interest of the public.
- 34 (14) Radiation therapist. – A person who is licensed under this Article to perform
35 procedures involving administration of external source ionizing radiation to
36 human beings for therapeutic purposes.
- 37 (15) Radiographer. – A person who is licensed under this Article to perform a
38 comprehensive set of diagnostic radiographic procedures using external
39 ionizing radiation to produce radiographic, fluoroscopic, or digital images.
- 40 (16) Radiologic imaging. – Any procedure or article intended for use in the
41 diagnosis or visualization of disease or other medical conditions in human
42 beings, including, but not limited to, radiography, nuclear medicine,
43 fluoroscopy, and other procedures using ionizing radiation. Radiologic
44 imaging does not include the performance of sonography procedures.
- 45 (17) Radiologist. – A physician licensed under Article 1 of this Chapter who is
46 board-eligible for certification or who is certified by the American Board of
47 Radiology, the American Osteopathic Board of Radiology, the British Royal
48 College of Radiology, or the Royal College of Physicians and Surgeons of
49 Canada.
- 50 (18) Radiologist assistant. – A licensed radiographer who is additionally licensed
51 under this Article to perform a variety of activities under the supervision of a

1 radiologist in the areas of patient care, patient management, and radiologic
2 imaging procedures.

3 **"§ 90-738. License required; exemptions.**

4 (a) License Required. – Except as provided in this section, only a person currently
5 licensed under this Article may perform or offer to perform radiologic imaging or radiation
6 therapy procedures on humans for diagnostic or therapeutic purposes or otherwise indicate or
7 imply that the person is licensed to perform radiologic imaging or radiation therapy procedures.

8 (b) License Required for Employment. – No person or business entity shall knowingly
9 employ a person who does not hold a license, or is not exempt under this Article, to perform
10 radiologic imaging or radiation therapy procedures on humans for diagnostic or therapeutic
11 purposes.

12 (c) No Limitation or Enlargement of Practice. – Nothing in this Article relating to
13 radiologic imaging or radiation therapy shall limit or enlarge the practice of a licensed
14 practitioner.

15 (d) Exemptions. – The provisions of this Article shall not apply to the following:

16 (1) A licensed practitioner performing radiologic imaging procedures or
17 administering radiation therapy.

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

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

21 a. The North Carolina radiography equivalency examination.

22 b. Dental assisting school through an American Dental
23 Association-accredited program.

24 c. The Dental Assisting National Board examination.

25 d. Classification as a dental assistant II in this State under the laws
26 regulating the practice of dentistry.

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

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

33 (6) A person administering radiologic imaging or radiation procedures as an
34 employee of the United States government.

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

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

38 (9) A person licensed to perform radiologic imaging or radiation therapy who is
39 performing supervised clinical procedures in preparation for certification in
40 an additional radiologic imaging or radiation therapy modality who has
41 registered with the Board. The Board may grant this exemption for a period
42 not to exceed three years, and this exemption may be renewed by the Board.

43 **"§ 90-739. Scope of practice; limitations.**

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

46 (1) Limited X-ray machine operator.

47 (2) Nuclear medicine technologist.

48 (3) Radiation therapist.

49 (4) Radiographer.

50 (5) Radiologist assistant.

1 (b) A person holding a license under this Article may use radioactive substances or
2 equipment emitting ionizing radiation for radiologic imaging or radiation therapy procedures
3 only by prescription of an individual authorized by the State to prescribe radiologic imaging or
4 radiation therapy procedures and under the supervision of a licensed practitioner.

5 (c) A person holding a license under this Article may use radioactive substances or
6 equipment emitting ionizing radiation for radiologic imaging or radiation therapy procedures
7 only within the scope of that license as specified in this Article and under the rules adopted by
8 the Board.

9 (d) Individuals licensed as limited X-ray machine operators shall perform tasks only
10 within the scope of the specific permit issued to them as provided in G.S. 90-742(c)(1) under
11 the supervision of a licensed practitioner or radiographer and shall not perform computed
12 tomography, fluoroscopy, mammography, radiation therapy, mobile imaging procedures, or
13 imaging procedures using contrast media.

14 (e) Effective January 1, 2021, all individuals licensed to perform radiologic imaging
15 and radiation therapy who perform computed tomography for diagnostic purposes must be
16 certified in computed tomography by the American Registry of Radiologic Technologists, the
17 Nuclear Medicine Certification Board, or another certification organization recognized by the
18 Board.

19 (f) A person licensed to perform nuclear medicine technology may perform computed
20 tomography for attenuation correction on hybrid imaging equipment.

21 (g) A person licensed to perform radiation therapy may perform computed tomography
22 for treatment planning purposes.

23 (h) A person licensed to perform radiography may perform fluoroscopy and bone
24 densitometry.

25 (i) A person licensed as a radiologist assistant shall not interpret images, make
26 diagnoses, or prescribe medications or therapies.

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

28 (a) Composition of Board. – The North Carolina Radiologic Imaging and Radiation
29 Therapy Board of Examiners is hereby created. The Board shall consist of seven members
30 appointed by the Governor and shall serve at the pleasure of the Governor. The initial board
31 shall be appointed within 90 days following the effective date of this section. The members of
32 the Board shall include:

33 (1) One licensed nuclear medicine technologist.

34 (2) One licensed practitioner who is a radiologist and supervises radiologic
35 imaging or radiation therapy professionals.

36 (3) One licensed practitioner who is not a radiologist and supervises radiologic
37 imaging or radiation therapy professionals.

38 (4) One licensed radiation therapist.

39 (5) One licensed radiographer.

40 (6) One radiologist assistant.

41 (7) One public member.

42 (b) Board Member Qualifications for Appointment. – In addition to the requirements of
43 subsection (a) of this section, board members shall meet the following qualifications:

44 (1) Each board member shall be a resident of the State of North Carolina.

45 (2) The public member shall be at least 21 years of age.

46 (3) Except for the public member and the licensed practitioners, each board
47 member shall have at least two years of experience performing radiologic
48 imaging or radiation therapy in the modality for which the board member is
49 appointed.

1 (c) Educator Appointment Required. – At least one of the board members appointed
2 shall be a full-time educator in an accredited educational program in radiologic imaging or
3 radiation therapy.

4 (d) Terms of Office. – The terms of office shall be three years, except that the terms of
5 the members appointed to the initial board shall be as follows: Two members shall be
6 appointed for a term of one year, two members for a term of two years, and three members for
7 a term of three years. Vacancies shall be filled for an unexpired term only in the manner
8 provided by the original appointment. No member shall be eligible for appointment to serve
9 more than two consecutive terms.

10 (e) Temporary Board Exemption to License Requirements. – A person who performs
11 radiologic imaging or radiation therapy procedures and is appointed to the initial board shall
12 not be required to hold a valid license issued by the Board until 12 months after the first
13 issuance of a license by the Board.

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

16 (g) Officers. – The officers of the Board shall be a chair and a vice-chair, and other
17 officers deemed necessary by the Board to carry out the purposes of this Article. All officers
18 shall be elected annually by the Board for one-year terms and shall serve until their successors
19 are elected and qualified.

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

25 (i) Meeting Attendance. – A member of the Board who fails to attend three meetings in
26 a 18-month period shall forfeit the member's seat unless the chair, upon written request from
27 the member, finds that the member should be excused from a meeting because of illness or
28 death of a family member.

29 (j) Quorum. – A majority of the voting members of the Board shall constitute a
30 quorum. No action may be taken by the Board except by affirmative vote of the majority of
31 those present and voting.

32 **"§ 90-741. Powers of the Board.**

33 The Board shall have the following powers and duties:

34 (1) Administer this Article.

35 (2) Issue interpretations of this Article.

36 (3) Adopt rules as may be necessary to carry out the provisions of this Article.

37 (4) Establish the scope of practice for each license or permit type issued by the
38 Board.

39 (5) Employ and fix the compensation of personnel that the Board determines is
40 necessary to carry into effect the provisions of this Article and incur other
41 expenses necessary to effectuate this Article.

42 (6) Examine and determine the qualifications and fitness of applicants for
43 licensure, renewal of licensure, and reciprocal licensure. The Board may, in
44 its discretion, revise the licensing requirements of this Article for areas of
45 North Carolina that the Board deems too remote to contain enough qualified
46 licensees to perform radiologic imaging or radiation therapy procedures on
47 humans for diagnostic or therapeutic purposes.

48 (7) Set requirements for continuing education as a requirement for license
49 renewal. The Board may review and accept the continuing education and
50 recertification or continuing competency requirements established by a

1 radiologic imaging or radiation therapy certification organization for license
2 renewal.

3 (8) Issue, renew, deny, suspend, or revoke licenses and carry out any
4 disciplinary actions authorized by this Article.

5 (9) Set fees for licensure, license renewal, and other services deemed necessary
6 to carry out the purposes of this Article.

7 (10) Conduct investigations for the purpose of determining whether violations of
8 this Article or grounds for disciplining licensees exist.

9 (11) Conduct administrative hearings in accordance with Article 3A of Chapter
10 150B of the General Statutes.

11 (12) Maintain a record of all proceedings and make available to licensees and
12 other concerned parties an annual report of all Board action.

13 (13) Develop standards and adopt rules for the improvement of the administration
14 of radiologic imaging or radiation therapy procedures in this State.

15 (14) Adopt a seal containing the name of the Board for use on all licenses and
16 official reports issued by the Board.

17 (15) Establish criteria and standards for educational programs offered in the State
18 on radiologic imaging and radiation therapy.

19 (16) Approve radiologic imaging and radiation therapy educational programs that
20 the Board determines meet the criteria and standards established by the
21 Board.

22 **"§ 90-742. Requirements for licensure.**

23 (a) A person seeking to obtain a license for a radiologic imaging or radiation therapy
24 modality shall comply with each of the following requirements:

25 (1) At least 18 years of age at the time of application.

26 (2) Has a high school diploma or has passed an approved equivalency test.

27 (3) Satisfactory completion of a course of study in nuclear medicine, radiation
28 therapy, or radiography, respectively, or its equivalent to be determined by
29 the Board.

30 a. The curriculum for each course of study shall be no less stringent
31 than the standards approved by the Joint Review Committee on
32 Education in Radiologic Technology, Joint Review Committee on
33 Education in Nuclear Medicine Technology, Regional Accrediting
34 Agencies, or other educational accreditation agency approved by the
35 Board.

36 b. A person who holds a current certification and registration by a
37 certification organization recognized by the Board in a radiologic
38 imaging or radiation therapy modality or specialization shall be
39 deemed to have met the requirement of this paragraph for successful
40 completion of a course of study in the modality.

41 (4) Pass an examination established or approved by the Board.

42 (b) Radiologist Assistant License. – In addition to the requirements of subsection (a) of
43 this section, a person seeking to obtain a license as a radiologist assistant shall comply with
44 each of the following requirements:

45 (1) Hold a current license as a radiographer and be currently certified and
46 registered as a radiographer by the American Registry of Radiologic
47 Technologists.

48 (2) Hold current certification and registration as a radiologist assistant by the
49 American Registry of Radiologic Technologists or as a radiology
50 practitioner assistant by the Certification Board of Radiology Practitioner
51 Assistants.

1 (3) Submit to the Board clinical protocols signed by the supervising radiologist
2 specifying procedures that are performed by the radiologist assistant, levels
3 of radiologist supervision, and locations of practice designated by the
4 supervising radiologist. Updated protocols shall be submitted biannually,
5 consistent with license renewal. The radiologist assistant scope of practice
6 shall be consistent with the most recent version of the Radiologist Assistant
7 Practice Standards published by the American Society of Radiologic
8 Technologists.

9 (c) Limited X-Ray Machine Operator License. – In addition to the requirements of
10 subdivisions (1) and (2) of subsection (a) of this section, a person seeking to obtain a license as
11 a limited X-ray machine operator shall pass an examination established or approved by the
12 Board.

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

- 17 a. Chest radiography permit. – Radiography of the thorax, heart, and
18 lungs.
19 b. Extremities radiography permit. – Radiography of the upper and
20 lower extremities, including the pectoral girdle.
21 c. Spine radiography permit. – Radiography of the vertebral column.
22 d. Skull/sinus radiology permit. – Radiography of the skull and facial
23 structures.
24 e. Podiatric permit. – Radiography of the foot, ankle, and lower leg
25 below the knee. Podiatric permit holders are limited to working
26 under the supervision of a licensed podiatrist.
27 f. Bone densitometry technologist permit. – Persons who are certified
28 by the International Society for Clinical Densitometry or the
29 American Registry of Radiologic Technologists in bone densitometry
30 equipment operation shall be granted a permit to perform bone
31 densitometry testing.

32 (d) Change of Name or Address. – A person holding a license or permit issued under
33 this Article shall notify the Board in writing within 90 days of any name or address change.

34 (e) Failure to Maintain Required Certification and Registration. – Within 30 days, a
35 licensee shall submit written notification to the Board if the licensee:

- 36 (1) Fails to maintain a required certification and registration by a certification
37 organization; or
38 (2) Is subject to any legal or disciplinary action other than minor traffic
39 infractions or is subject to proceedings for acts or conduct substantially the
40 same as acts or conduct that would constitute grounds for refusal to issue,
41 refusal to renew, suspension, revocation, or other discipline of an applicant
42 or a person holding license or permit under this Article by any of the
43 following:
44 a. Licensing jurisdiction, whether in the United States or foreign.
45 b. Health care institution.
46 c. Professional society or association.
47 d. Certification organization.
48 e. Government agency.
49 f. Law enforcement agency.
50 g. Court.

51 "**§ 90-743. Examinations.**

1 (a) Evidence of Examination. – To meet the requirement of examination under this
2 Article for nuclear medicine technology, radiation therapy, radiography, or radiologist assistant,
3 the Board shall accept current certification and registration by a certification organization
4 recognized by the Board in the applicant's or licensee's modality.

5 (b) Limited X-Ray Machine Operator Examination. – The Board shall use a limited
6 X-ray machine operator examination administered by the American Registry of Radiologic
7 Technologists for persons applying for a limited X-ray machine operator license and permit in
8 chest, extremity, spine, skull/sinus, or podiatric radiography or bone densitometry testing. The
9 Board shall determine by regulation the examination score that constitutes successful
10 completion.

11 (c) Acceptance of Chiropractic Radiologic Technologist Certification. – The Board may
12 accept certification and registration from the American Chiropractic Registry of Radiologic
13 Technologists to meet the requirement of this paragraph for successful completion of an
14 examination for a person applying for a limited X-ray machine operator license and permit in
15 spine radiography who works under the supervision of a chiropractor.

16 (d) Acceptance of Podiatric Medical Assistant Certification. – The Board may accept
17 certification from the American Society of Podiatric Medical Assistants to meet the
18 requirement of this paragraph for successful completion of an examination for a person
19 applying for a limited X-ray machine operator license and permit in podiatric radiography who
20 works under the supervision of a podiatrist.

21 **"§ 90-744. Issuance of license; temporary license; display of license.**

22 (a) Issuance of License. – The Board shall issue a license to an applicant who meets the
23 requirements for licensure specified in this Article and the regulations adopted by the Board,
24 verified by oath or affirmation, upon payment of a fee as provided in G.S. 90-748.

25 (b) The Board may issue a license with authorization to perform more than one
26 radiologic imaging or radiation therapy modality if the person is qualified in each modality.

27 (c) Temporary License. – The Board may issue a temporary license to any person
28 whose license or license renewal may be pending or when issuance is for providing radiologic
29 imaging or radiation therapy services to medically underserved areas as determined by the
30 Board.

31 (d) New graduates awaiting national certification may be issued a provisional license
32 for employment purposes for a period not to exceed one year.

33 (e) Temporary License for Cross-Training. – A person licensed under this Article may
34 apply to the Board for a temporary license in an additional radiologic imaging or radiation
35 therapy modality to complete clinical experience requirements for an applicable training
36 pathway established by a certification organization recognized by the Board. Temporary
37 licenses issued for training purposes shall expire three years after issuance.

38 (f) Display of License; License to Be Available Upon Request. – The copy of the
39 current license of all license holders must be maintained at their places of employment.

40 **"§ 90-745. Educational programs approved by the Board.**

41 (a) In order to obtain approval by the Board, educational programs in radiologic
42 imaging or radiation therapy shall (i) be offered by a medical facility or educational institution
43 and (ii) be affiliated with one or more hospitals or clinics to provide the requisite clinical
44 education.

45 (b) The curriculum for each course of study in radiologic imaging or radiation therapy
46 shall be no less stringent than the standards approved by the Joint Review Committee on
47 Education in Radiologic Technology, Joint Review Committee on Education in Nuclear
48 Medicine Technology, Regional Accrediting Agencies, or other educational accreditation
49 agency approved by the Board.

50 **"§ 90-746. License renewal.**

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

6 (b) As a condition of license renewal, each individual licensed as a radiographer,
7 radiation therapist, nuclear medicine technologist, or limited X-ray machine operator shall be
8 required to complete 24 hours of continuing education approved by the Board. Individuals
9 licensed as radiologist assistants shall complete 50 hours of continuing education approved by
10 the Board. A licensee is not required to duplicate the continuing education hours submitted to
11 the American Registry of Radiologic Technologists or other certification organization
12 recognized by the Board for renewal.

13 (c) The Board shall notify a licensee at least 60 days in advance of the expiration of his
14 or her license. The licensee shall inform the Board of any change of the licensee's address. Each
15 licensee is responsible for renewing his or her license before the expiration date. Licenses that
16 are not renewed automatically lapse.

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

20 **"§ 90-747. Reciprocity.**

21 The Board may, upon application and payment of proper fees, issue a license to a person
22 who has been licensed, registered, or certified to perform radiologic imaging or radiation
23 therapy procedures in another jurisdiction if that jurisdiction's standards are substantially
24 equivalent to those provided in this Article and the regulations adopted by the Board.

25 **"§ 90-748. Fees.**

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

- 27 (1) Initial, provisional, or temporary license application fee, one hundred dollars
28 (\$100.00).
- 29 (2) Biennial license fee, one hundred fifty dollars (\$150.00).
- 30 (3) Temporary license fee, one hundred dollars (\$100.00).
- 31 (4) Duplicate license, twenty-five dollars (\$25.00).
- 32 (5) License renewal late fee, seventy-five dollars (\$75.00).

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

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

40 **"§ 90-749. Disciplinary authority.**

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

- 44 (1) Obtaining a license by means of fraud, misrepresentation, or concealment of
45 material facts.
- 46 (2) Engaging in unprofessional conduct pursuant to rules adopted by the Board.
- 47 (3) Having been convicted of or pleaded guilty or nolo contendere to a crime
48 involving moral turpitude or any crime that indicates that the licensee or
49 applicant is unfit or incompetent to administer radiologic imaging or
50 radiation therapy procedures or that the licensee or applicant has deceived or
51 defrauded the public.

- 1 (4) Engaging in any act or practice in violation of any of the provisions of this
2 Article or any rule adopted by the Board or aiding, abetting, or assisting any
3 person in such a violation.
4 (5) Committing an act or acts of malpractice, gross negligence, or incompetence
5 in administering radiologic imaging or radiation therapy procedures.
6 (6) Practicing as a person licensed to administer radiologic imaging or radiation
7 therapy procedures without a current license.
8 (7) Engaging in conduct that could result in harm or injury to the public.
9 (8) Being unfit or incompetent to administer radiologic imaging or radiation
10 therapy services by reason of deliberate or negligent acts or omissions,
11 regardless of whether actual injury to a patient is established.

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

17 **"§ 90-750. Violation a misdemeanor.**

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

21 **"§ 90-751. Injunctive relief.**

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

26 **"§ 90-752. Severability.**

27 The provisions of this act are severable. If any section, subsection, subdivision, paragraph,
28 sentence, or clause of this act or its application to any person or circumstance is held invalid or
29 unconstitutional, it shall not affect other provisions or applications of this act which can be
30 given effect without the invalid provision or application."

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

38 **SECTION 3.** Persons other than radiologist assistants who have been engaged in
39 the practice of radiologic imaging and radiation therapy and who do not hold a current
40 registration from a voluntary professional certification organization approved by the Radiologic
41 Imaging and Radiation Therapy Board of Examiners may continue to practice in the modality
42 of radiologic imaging or radiation therapy in which they are currently employed provided that
43 they (i) register with the Board on or before October 1, 2018, (ii) do not change the scope of
44 their current employment practice, (iii) complete all continuing education requirements for their
45 area of practice annually as prescribed by the Board, (iv) practice only under the supervision of
46 a licensed practitioner; and (v) obtain a license from the Board on or before October 1, 2022.

47 **SECTION 4.** Sections 2 and 3 of this act are effective when they become law.
48 Except as otherwise provided, the remainder of this act becomes effective January 1, 2018.