

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HOUSE BILL 2257

AN ACT

AMENDING SECTION 30-651, ARIZONA REVISED STATUTES; REPEALING SECTIONS 30-653 AND 30-655, ARIZONA REVISED STATUTES; AMENDING SECTIONS 30-671, 30-672, 30-672.01 AND 30-681, ARIZONA REVISED STATUTES; REPEALING SECTIONS 30-682, 30-685, 30-686, 30-687 AND 30-688, ARIZONA REVISED STATUTES; AMENDING TITLE 30, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 30-686, 30-687 AND 30-688; AMENDING SECTIONS 31-241, 32-2801, 32-2802, 32-2803, 32-2804, 32-2812, 32-2813, 32-2814, 32-2815, 32-2816, 32-2818, 32-2819, 32-2821, 32-2824, 32-2825 AND 32-2841, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-3018.04 AND 41-3018.23, ARIZONA REVISED STATUTES; RELATING TO THE RADIATION REGULATORY BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 30-651, Arizona Revised Statutes, is amended to
3 read:

4 30-651. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Atomic energy" means all forms of energy released in the course
7 of nuclear transformations, nuclear fission and nuclear fusion.

8 ~~2. "Board" means the radiation regulatory hearing board.~~

9 ~~3.~~ 2. "By-product material" means any radioactive material, except
10 special nuclear material, yielded in or made radioactive by exposure to
11 the radiation incident to the process of producing or utilizing special
12 nuclear material and the tailings or wastes produced by the extraction or
13 concentration of uranium ore thorium from any ore processed primarily for
14 its source material content.

15 ~~4.~~ 3. "Department" means the department of health services.

16 ~~5.~~ 4. "Diagnostic mammography" means an x-ray imaging of the
17 breast performed on persons who have symptoms or physical signs indicative
18 of breast disease.

19 ~~6.~~ 5. "Director" means the director of the department.

20 ~~7.~~ 6. "Electronic product" means:

21 (a) Any machine or device designed to produce a beam of ionizing
22 radiation as the result of the operation of an electronic circuit or
23 component.

24 (b) Class IIIb and IV lasers, as classified by the United States
25 food and drug administration.

26 (c) Radio frequency heaters, dryers and sealers.

27 (d) Any device employing a source of radio frequency
28 electromagnetic radiation within a protective enclosure and used for
29 heating or curing materials in industrial or manufacturing applications
30 and in restaurants or food vending establishments. This subdivision does
31 not include microwave ovens manufactured as consumer products and used for
32 home food preparation.

33 (e) Microwave and shortwave diathermy.

34 (f) Mercury vapor, metal halide and high-pressure sodium lamps used
35 for commercial lighting and industrial manufacturing processes or sunlamps
36 used in commercial establishments for the intentional irradiation of
37 humans.

38 (g) Therapeutic ultrasound devices.

39 (h) Industrial ultrasonic welders and sealers.

40 ~~8.~~ 7. "Electronic product radiation" means:

41 (a) Any ionizing or nonionizing electromagnetic or particulate
42 radiation that is emitted from an electronic product.

43 (b) Any sonic, infrasonic or ultrasonic wave that is emitted from
44 an electronic product as the result of the operation of an electronic
45 circuit in the product.

1 ~~9.~~ 8. "Ionizing radiation" means gamma rays and x-rays, alpha and
2 beta particles, high speed electrons, neutrons, protons and other nuclear
3 particles or rays.

4 ~~10.~~ 9. "Operation" means adjustments or procedures by the user
5 required for the equipment to perform its intended functions.

6 ~~11.~~ 10. "Person" means any individual, corporation, partnership,
7 firm, association, trust, estate, public or private institution, group,
8 agency or political subdivision of this state, or any other state or
9 political subdivision or agency of such state, and any legal successor,
10 representative, agent, or agency of the foregoing, other than the United
11 States nuclear regulatory commission or any successor, and other than
12 federal government agencies and any other entities licensed by the United
13 States nuclear regulatory commission or any successor.

14 ~~12.~~ 11. "Radiation" means:

15 (a) Ionizing radiation, including gamma rays, x-rays, alpha and
16 beta particles, high speed electrons, neutrons, protons and other nuclear
17 particles or rays.

18 (b) Any electromagnetic radiation that may be produced by the
19 operation of an electronic product.

20 (c) Any sonic, ultrasonic or infrasonic wave that may be produced
21 by the operation of an electronic product.

22 ~~13.~~ 12. "Radiation machine" means any manufactured devices or
23 products producing any of the following:

24 (a) X-rays for medical, industrial, research and development or
25 educational purposes.

26 (b) Electromagnetic radiation from an electronic product.

27 (c) Laser devices classified as class IIb or IV by the United
28 States food and drug administration.

29 (d) Diathermy machines.

30 ~~14.~~ 13. "Radioactive material" means any material or materials,
31 solid, liquid or gaseous, that emit radiation spontaneously.

32 ~~15.~~ 14. "Screening mammography" means x-ray imaging of the breast
33 of asymptomatic persons.

34 ~~16.~~ 15. "Service" means major adjustments or repairs, usually
35 requiring specialized training or tools, or both.

36 ~~17.~~ 16. "Source material" means:

37 (a) Uranium, thorium or any other material that the governor
38 declares by order to be source material after the United States nuclear
39 regulatory commission or any successor has determined the material to be
40 source material.

41 (b) Ores containing one or more of the materials, as provided in
42 subdivision (a) of this paragraph, in such a concentration as the governor
43 declares by order to be source material after the United States nuclear
44 regulatory commission or any successor has determined the material in such
45 a concentration to be source material.

1 ~~18.~~ 17. "Sources of radiation" means radioactive materials,
2 radiation machines and electronic products.

3 ~~19.~~ 18. "Special nuclear material" means:

4 (a) Plutonium, uranium 233, uranium enriched in the isotope 233 or
5 in the isotope 235 and any other material that the governor declares by
6 order to be special nuclear material after the United States nuclear
7 regulatory commission or any successor has determined the material to be
8 special nuclear material, but does not include source material.

9 (b) Any material artificially enriched by any of the material
10 provided in subdivision (a) of this paragraph, but does not include source
11 material.

12 Sec. 2. Repeal

13 Sections 30-653 and 30-655, Arizona Revised Statutes, are repealed.

14 Sec. 3. Section 30-671, Arizona Revised Statutes, is amended to
15 read:

16 30-671. Radiation protection standards

17 A. Radiation protection standards in rules adopted by the
18 department under this chapter do not limit the kind or amount of radiation
19 that may be intentionally applied to a person or animal for diagnostic or
20 therapeutic purposes by or under the direction of a licensed practitioner
21 of the healing arts.

22 B. Radiation sources shall be registered, licensed or exempted at
23 the discretion of the department ~~and shall be available for inspection as~~
24 ~~specified in this chapter or rules adopted under this chapter.~~

25 Sec. 4. Section 30-672, Arizona Revised Statutes, is amended to
26 read:

27 30-672. Licensing and registration of sources of radiation;
28 exemptions

29 A. The ~~agency~~ DEPARTMENT by rule shall provide for general or
30 specific licensing of by-product, source, special nuclear materials or
31 devices or equipment ~~utilizing such~~ USING THOSE materials. ~~The rules~~
32 ~~shall provide for amendment, suspension or revocation of the licenses.~~
33 The ~~agency~~ DEPARTMENT shall require from the applicant satisfactory
34 evidence that the applicant is using methods and techniques that are
35 demonstrated to be safe and that the applicant is familiar with the rules
36 adopted by the ~~agency~~ DEPARTMENT under section 30-654, subsection B,
37 paragraph 5 relative to uniform radiation standards, total occupational
38 radiation exposure norms, labels, signs and symbols, storage, waste
39 disposal and shipment of radioactive materials. The ~~agency~~ DEPARTMENT may
40 require that, before ~~the agency~~ IT issues a license, the employees or
41 other personnel of an applicant who may deal with sources of radiation
42 receive a course of instruction approved by the ~~agency~~ DEPARTMENT
43 concerning ~~agency~~ DEPARTMENT rules. The ~~agency~~ DEPARTMENT shall require
44 that the applicant's proposed equipment and facilities be adequate to
45 protect health and safety and that the applicant's proposed administrative

1 controls over the use of the sources of radiation requested be adequate to
2 protect health and safety.

3 B. The ~~agency~~ DEPARTMENT may require registration or licensing of
4 other sources of radiation if ~~it has been determined~~ DEEMED necessary to
5 protect public health or safety.

6 C. The ~~agency~~ DEPARTMENT may exempt certain sources of radiation or
7 kinds of uses or users from the licensing or registration requirements set
8 forth in this section ~~when~~ IF it finds that ~~the exemption of~~ EXEMPTING
9 such sources of radiation or kinds of uses or users will not constitute a
10 significant risk to the health and safety of the public.

11 D. THE DIRECTOR MAY SUSPEND OR REVOKE, IN WHOLE OR IN PART, ANY
12 LICENSE ISSUED UNDER SUBSECTION A OF THIS SECTION IF THE LICENSEE OR AN
13 OFFICER, AGENT OR EMPLOYEE OF THE LICENSEE:

14 1. VIOLATES THIS CHAPTER OR RULES OF THE DEPARTMENT ADOPTED
15 PURSUANT TO THIS CHAPTER.

16 2. HAS BEEN, IS OR MAY CONTINUE TO BE IN SUBSTANTIAL VIOLATION OF
17 THE REQUIREMENTS FOR LICENSURE OF THE RADIATION SOURCE AND AS A RESULT THE
18 HEALTH OR SAFETY OF THE GENERAL PUBLIC IS IN IMMEDIATE DANGER.

19 E. IF THE LICENSEE, OR AN OFFICER, AGENT OR EMPLOYEE OF THE
20 LICENSEE, REFUSES TO ALLOW THE DEPARTMENT OR ITS EMPLOYEES OR AGENTS TO
21 INSPECT THE LICENSEE'S PREMISES, SUCH AN ACTION SHALL BE DEEMED REASONABLE
22 CAUSE TO BELIEVE THAT A SUBSTANTIAL VIOLATION UNDER SUBSECTION D,
23 PARAGRAPH 2 OF THIS SECTION EXISTS.

24 F. A LICENSE MAY NOT BE SUSPENDED OR REVOKED UNDER THIS CHAPTER
25 WITHOUT AFFORDING THE LICENSEE NOTICE AND AN OPPORTUNITY FOR A HEARING AS
26 PROVIDED IN TITLE 41, CHAPTER 6, ARTICLE 10.

27 ~~D.~~ G. The ~~agency~~ DEPARTMENT shall not require persons WHO ARE
28 licensed in this state to practice as a dentist, physician assistant,
29 chiropodist or veterinarian or licensed in this state to practice
30 medicine, surgery, ~~osteopathy~~ OSTEOPATHIC MEDICINE, chiropractic or
31 naturopathic medicine to obtain any other license ~~for the~~ TO use ~~of~~ a
32 diagnostic x-ray machine, but these persons are governed by their own
33 licensing acts.

34 ~~E.~~ H. Persons WHO ARE licensed by the federal communications
35 commission with respect to the activities for which they are licensed by
36 that commission are ~~exempted~~ EXEMPT from this chapter.

37 ~~F.~~ I. Rules adopted pursuant to this chapter may provide for
38 recognition of other state or federal licenses as the ~~agency~~ DEPARTMENT
39 deems desirable, subject to such registration requirements as the ~~agency~~
40 DEPARTMENT prescribes.

41 ~~G.~~ J. Any licenses issued by the ~~agency~~ DEPARTMENT shall state the
42 nature, use and extent of use of the source of radiation. If at any time
43 ~~subsequent to the issuance of~~ AFTER a license IS ISSUED the licensee
44 desires any change in the nature, use or extent, the licensee shall seek
45 an amendment or a new license under this section.

1 ~~H.~~ K. The ~~agency~~ DEPARTMENT shall prescribe by rule requirements
2 for financial security as a condition for licensure under this
3 article. The ~~agency~~ DEPARTMENT shall deposit all amounts posted, paid or
4 forfeited as financial security ~~into~~ IN the radiation regulatory and
5 perpetual care fund ~~under~~ ESTABLISHED BY section 30-694.

6 ~~I.~~ L. Persons applying for licensure shall provide notice to the
7 city or town where the applicant proposes to operate as part of the
8 application process.

9 ~~J.~~ M. Any facility that provides diagnostic or screening
10 mammography examinations by or under the direction of a person ~~exempted~~
11 WHO IS EXEMPT from further licensure under subsection ~~H.~~ G of this section
12 shall obtain certification by the ~~agency~~ DEPARTMENT. The ~~agency~~
13 DEPARTMENT shall prescribe by rule the requirements of certification in
14 order to ensure the accuracy and safety of diagnostic and screening
15 mammography.

16 Sec. 5. Section 30-672.01, Arizona Revised Statutes, is amended to
17 read:

18 30-672.01. Registration of persons who install or service
19 radiation machines; exception; roster of
20 registrants

21 A. A person who is in the business of installing or servicing
22 radiation machines ~~which are defined in section 30-651 and which~~ THAT are
23 required to be registered by the ~~agency~~ DEPARTMENT shall register with the
24 ~~agency~~ DEPARTMENT on a form provided by the ~~agency~~ DEPARTMENT.

25 B. Notwithstanding subsection A OF THIS SECTION, a person who is
26 subject to the jurisdiction of the ~~medical radiologic technology board of~~
27 ~~examiners~~ DEPARTMENT and ~~is engaged in operation of~~ WHO OPERATES a
28 radiation machine ~~shall~~ IS not ~~be~~ required to register with the ~~agency~~
29 DEPARTMENT.

30 C. The registration form required pursuant to subsection A OF THIS
31 SECTION shall be limited to the following information:

32 1. The full business name of the registrant.

33 2. The names of the owners if the registrant is a corporation or
34 partnership.

35 3. The names of employees who carry out installation or service
36 work for the registrant.

37 4. The business address of the registrant.

38 D. The ~~agency~~ DEPARTMENT shall maintain a roster of all
39 registrants, including the date of initial registration. The roster shall
40 be available for public inspection.

41 E. A registrant must reregister with the ~~agency whenever~~ DEPARTMENT
42 IF there is a change in the information provided under subsection C OF
43 THIS SECTION.

1 Sec. 6. Section 30-681, Arizona Revised Statutes, is amended to
2 read:

3 30-681. Inspections

4 A. The department or its duly authorized representatives may enter
5 at all reasonable times on any private or public property for the purpose
6 of determining whether there is compliance with or a violation of this
7 chapter and rules adopted under this chapter, except that entry into areas
8 under the jurisdiction of the federal government shall be effected only
9 with the concurrence of the federal government or its duly designated
10 representative.

11 B. IF THE DIRECTOR DETERMINES THAT THERE IS REASONABLE CAUSE TO
12 BELIEVE THAT A RADIATION SOURCE IS NOT IN COMPLIANCE WITH THE LICENSING
13 REQUIREMENTS OF THIS CHAPTER, THE DIRECTOR OR THE DIRECTOR'S DESIGNEE OR
14 AGENT MAY ENTER ON AND INTO THE PREMISES OF ANY RADIATION SOURCE THAT IS
15 LICENSED OR REQUIRED TO BE LICENSED PURSUANT TO THIS CHAPTER AT ANY
16 REASONABLE TIME TO DETERMINE COMPLIANCE WITH THIS CHAPTER AND RULES
17 ADOPTED PURSUANT TO THIS CHAPTER. AN APPLICATION FOR LICENSURE UNDER THIS
18 CHAPTER CONSTITUTES PERMISSION FOR AND COMPLETE ACQUIESCENCE IN ANY ENTRY
19 OR INSPECTION OF THE PREMISES DURING THE PENDENCY OF THE APPLICATION AND,
20 IF LICENSED, DURING THE TERM OF THE LICENSE. IF THE INSPECTION SHOWS THAT
21 THE RADIATION SOURCE IS NOT ADHERING TO THE LICENSING REQUIREMENTS OF THIS
22 CHAPTER, THE DIRECTOR MAY TAKE ACTION AUTHORIZED BY THIS CHAPTER. A
23 RADIATION SOURCE WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED IN ACCORDANCE
24 WITH THIS SUBSECTION IS SUBJECT TO INSPECTION WHEN APPLYING FOR
25 RELICENSURE OR REINSTATEMENT OF THE LICENSE.

26 Sec. 7. Repeal

27 Sections 30-682, 30-685, 30-686, 30-687 and 30-688, Arizona Revised
28 Statutes, are repealed.

29 Sec. 8. Title 30, chapter 4, article 3, Arizona Revised Statutes,
30 is amended by adding new sections 30-686, 30-687 and 30-688, to read:

31 30-686. Appeal; hearing

32 A PERSON WHO IS DENIED LICENSURE OR REGISTRATION UNDER ARTICLE 2 OF
33 THIS CHAPTER OR WHO IS DENIED AN EXCEPTION FROM LICENSURE OR REGISTRATION
34 UNDER ARTICLE 2 OF THIS CHAPTER MAY APPEAL THE DENIAL BY MAKING A WRITTEN
35 REQUEST FOR A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. THE
36 DEPARTMENT SHALL GIVE NOTICE OF SUCH AN ACTION PURSUANT TO TITL 41,
37 CHAPTER 6, ARTICLE 10, AND THE NOTICE SHALL STATE THE PERSON'S RIGHT TO
38 MAKE A WRITTEN REQUEST FOR A HEARING.

39 30-687. Assessment; civil penalty; enforcement; appeals;
40 collection

41 A. THE DIRECTOR MAY ASSESS A CIVIL PENALTY AGAINST A PERSON THAT
42 VIOLATES THIS CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER IN AN
43 AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS FOR EACH VIOLATION. EACH DAY A
44 VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION. THE MAXIMUM AMOUNT OF
45 ANY ASSESSMENT IS TWENTY-FIVE THOUSAND DOLLARS FOR ANY THIRTY-DAY PERIOD.

1 B. THE DIRECTOR MAY ISSUE A NOTICE OF ASSESSMENT THAT INCLUDES THE
2 PROPOSED AMOUNT OF THE ASSESSMENT. IN DETERMINING THE AMOUNT OF A CIVIL
3 PENALTY ASSESSED AGAINST A PERSON UNDER SUBSECTION A OF THIS SECTION, THE
4 DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING:

- 5 1. REPEATED VIOLATIONS OF STATUTES AND RULES.
- 6 2. PATTERNS OF NONCOMPLIANCE.
- 7 3. TYPES OF VIOLATIONS.
- 8 4. THE SEVERITY OF THE VIOLATIONS.
- 9 5. THE POTENTIAL FOR AND OCCURRENCES OF ACTUAL HARM.
- 10 6. THREATS TO HEALTH AND SAFETY.
- 11 7. THE NUMBER OF PERSONS AFFECTED BY THE VIOLATIONS.
- 12 8. THE NUMBER OF VIOLATIONS.
- 13 9. THE LENGTH OF TIME THE VIOLATIONS HAVE BEEN OCCURRING.

14 C. A PERSON MAY APPEAL THE ASSESSMENT BY REQUESTING A HEARING
15 PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. IF THE ASSESSMENT IS
16 APPEALED, THE DIRECTOR MAY NOT TAKE FURTHER ACTION TO ENFORCE AND COLLECT
17 THE ASSESSMENT UNTIL AFTER THE HEARING.

18 D. ACTIONS TO ENFORCE THE COLLECTION OF CIVIL PENALTIES ASSESSED
19 PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE BROUGHT BY THE ATTORNEY
20 GENERAL OR THE COUNTY ATTORNEY IN THE NAME OF THE STATE IN THE JUSTICE
21 COURT OR THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED.

22 E. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
23 35-147, CIVIL PENALTIES COLLECTED PURSUANT TO THIS SECTION IN THE STATE
24 GENERAL FUND.

25 30-688. Emergency action

26 A. IF THE DIRECTOR FINDS THAT THE PUBLIC HEALTH, SAFETY OR WELFARE
27 IMPERATIVELY REQUIRES EMERGENCY ACTION AND INCORPORATES A FINDING TO THAT
28 EFFECT IN AN ORDER, THE DIRECTOR MAY:

- 29 1. ORDER THE SUMMARY SUSPENSION OF A LICENSE PENDING PROCEEDINGS
30 FOR REVOCATION OR ANOTHER ACTION. THESE PROCEEDINGS SHALL BE PROMPTLY
31 INSTITUTED AND DETERMINED.
- 32 2. ORDER THE IMPOUNDMENT OF SOURCES OF RADIATION IN THE POSSESSION
33 OF ANY PERSON THAT IS NOT EQUIPPED TO COMPLY WITH OR THAT FAILS TO COMPLY
34 WITH THIS CHAPTER OR ANY RULE ADOPTED PURSUANT TO THIS CHAPTER.

35 B. THE DIRECTOR MAY APPLY TO THE SUPERIOR COURT FOR AN INJUNCTION
36 TO RESTRAIN A PERSON FROM VIOLATING A PROVISION OF THIS CHAPTER OR A RULE
37 ADOPTED PURSUANT TO THIS CHAPTER. THE COURT SHALL GRANT A TEMPORARY
38 RESTRAINING ORDER, A PRELIMINARY INJUNCTION OR A PERMANENT INJUNCTION
39 WITHOUT BOND. THE PERSON MAY BE SERVED IN ANY COUNTY OF THIS STATE. THE
40 ACTION SHALL BE BROUGHT ON BEHALF OF THE DIRECTOR BY THE ATTORNEY GENERAL
41 OR THE COUNTY ATTORNEY OF THE COUNTY IN WHICH THE VIOLATION IS OCCURRING.

1 Sec. 9. Section 31-241, Arizona Revised Statutes, is amended to
2 read:

3 31-241. Inmate complaints to boards; procedure

4 A. An inmate shall exhaust all internal department grievance
5 procedures before filing a complaint with any of the following boards:

6 1. The state ~~dental~~ board OF DENTAL EXAMINERS established by
7 section 32-1203.

8 2. The Arizona regulatory board of physician assistants established
9 by section 32-2502.

10 3. The Arizona medical board established by section 32-1402.

11 4. The ARIZONA state board of nursing established by section
12 32-1602.

13 5. The board of occupational therapy examiners established by
14 section 32-3402.

15 6. The Arizona board of osteopathic examiners in medicine and
16 surgery established by section 32-1801.

17 7. The Arizona state board of pharmacy established by section
18 32-1902.

19 8. The state board of psychologist examiners established by section
20 32-2062.

21 ~~9. The medical radiologic technology board of examiners established
22 by section 32-2802.~~

23 B. If an inmate files a complaint with a board pursuant to
24 subsection A of this section, the inmate shall attach a copy of the final
25 department grievance response to the complaint.

26 Sec. 10. Section 32-2801, Arizona Revised Statutes, is amended to
27 read:

28 32-2801. Definitions

29 In this chapter, unless the context otherwise requires:

30 ~~1. "Board" means the medical radiologic technology board of
31 examiners.~~

32 ~~2. "Bone densitometry technologist" means a person who applies
33 ionizing radiation to a person's hips, spine or extremities through the
34 use of a bone densitometry machine.~~

35 ~~3.~~ 1. "Certificate" means a certificate that is granted and issued
36 by the ~~board~~ DEPARTMENT.

37 ~~4.~~ 2. "Certified technologist" means a person holding a
38 certificate that is granted and issued by the ~~board~~ DEPARTMENT.

39 ~~5.~~ 3. "Computed tomography technologist" means a person who
40 applies ionizing radiation to a human using a computed tomography machine
41 for diagnostic purposes.

42 ~~6.~~ 4. "Department" means the department of health services.

43 ~~7.~~ 5. "Direction" means responsibility for and control of the
44 application of ionizing radiation to human beings for diagnostic or
45 therapeutic purposes.

- 1 ~~8.~~ 6. "Director" means the director of the department of health
2 services.
- 3 ~~9.~~ 7. "Ionizing radiation" means gamma rays and x-rays, alpha and
4 beta particles, high speed electrons, neutrons, protons and other nuclear
5 particles or rays.
- 6 ~~10.~~ 8. "Leg" means that part of the lower limb between the knee
7 and the foot.
- 8 ~~11.~~ 9. "Licensed practitioner" means a person who is licensed or
9 otherwise authorized by law to practice medicine, dentistry, ~~osteopathy~~
10 ~~OSTEOPATHIC MEDICINE~~, podiatry, chiropractic or naturopathic medicine in
11 this state.
- 12 ~~12.~~ 10. "Mammographic technologist" means a person who applies
13 ionizing radiation to the breasts of a human being for diagnostic
14 purposes.
- 15 ~~13.~~ 11. "Nuclear medicine technologist" means a person who uses
16 radiopharmaceutical agents on humans for diagnostic or therapeutic
17 purposes as set forth in rules adopted pursuant to section 32-2815.
- 18 12. "PRACTICAL TECHNOLOGIST IN BONE DENSITOMETRY" MEANS A
19 TECHNOLOGIST WHO HOLDS A CERTIFICATE TO APPLY IONIZING RADIATION TO A
20 PERSON'S HIPS, SPINE AND EXTREMITIES THROUGH THE USE OF A BONE DENSITY
21 MACHINE.
- 22 ~~14.~~ 13. "Practical technologist in podiatry" means a person
23 holding a practical technologist in podiatry certificate that is granted
24 and issued by the ~~board~~ DEPARTMENT.
- 25 ~~15.~~ 14. "Practical technologist in podiatry certificate" means a
26 certificate that is issued to a person, other than a licensed
27 practitioner, who applies ionizing radiation to the foot and leg for
28 diagnostic purposes while under the specific direction of a licensed
29 practitioner.
- 30 ~~16.~~ 15. "Practical technologist in radiology" means a person
31 holding a practical technologist in radiology certificate that is granted
32 and issued by the ~~board~~ DEPARTMENT.
- 33 ~~17.~~ 16. "Practical technologist in radiology certificate" means a
34 certificate that is issued to a person, other than a licensed
35 practitioner, who applies ionizing radiation to specific parts of the
36 human body for diagnostic purposes while under the specific direction of a
37 licensed practitioner.
- 38 ~~18.~~ 17. "Radiation therapy technologist" means a person who uses
39 radiation on humans for therapeutic purposes.
- 40 ~~19.~~ 18. "Radiologic technologist" means a person who holds a
41 certificate that is issued by the ~~board~~ DEPARTMENT and that allows that
42 person to apply ionizing radiation to individuals at the direction of a
43 licensed practitioner for general diagnostic or therapeutic purposes.

1 ~~20.~~ 19. "Radiologic technology" means the science and art of
2 applying ionizing radiation to human beings for general diagnostic or
3 therapeutic purposes.

4 ~~21.~~ 20. "Radiologic technology certificate" means a certificate
5 that is issued in radiologic technology to a person with at least
6 twenty-four months of full-time study or its equivalent through an
7 approved program and who has successfully completed an examination by a
8 national certifying body.

9 ~~22.~~ 21. "Radiologist" means a licensed practitioner of medicine or
10 ~~osteopathy~~ OSTEOPATHIC MEDICINE who has undertaken a course of training
11 that meets the requirements for admission to the examination of the
12 American board of radiology or the American osteopathic board of
13 radiology.

14 ~~23.~~ 22. "Radiologist assistant" means a person who holds a
15 certificate pursuant to section 32-2819 and who performs independent
16 advanced procedures in medical imaging and interventional radiology under
17 the guidance, directions, supervision and discretion of a licensed
18 practitioner of medicine or ~~osteopathy~~ OSTEOPATHIC MEDICINE specializing
19 in radiology as set forth in section 32-2819 and the rules adopted
20 pursuant to that section.

21 ~~24.~~ 23. "Unethical professional conduct" means the following acts,
22 whether occurring in this state or elsewhere:

23 (a) ~~The intentional betrayal of~~ INTENTIONALLY BETRAYING a
24 professional confidence or intentional violation of a privileged
25 communication except as required by law. This subdivision does not
26 prevent ~~members of the board~~ DEPARTMENT from ~~the exchange of~~ EXCHANGING
27 information with the radiologic licensing and disciplinary boards of other
28 states, territories or districts of the United States or foreign
29 countries.

30 (b) ~~The use of~~ USING controlled substances as defined in section
31 36-2501, narcotic drugs, dangerous drugs or marijuana as defined in
32 section 13-3401 or hypnotic drugs, derivatives or any compounds, mixtures
33 or preparations that may be used for producing hypnotic effects or the use
34 of alcohol to the extent that it affects the ability of the certificate or
35 permit holder to practice his profession.

36 (c) Using drugs for other than accepted therapeutic purposes.

37 (d) COMMITTING gross malpractice.

38 ~~(e) Acting or assuming to act as a member of the board if this is~~
39 ~~not true.~~

40 ~~(f)~~ (e) Procuring or attempting to procure a certificate or
41 license by fraud or misrepresentation.

42 ~~(g)~~ (f) Having professional connection with or lending one's name
43 to an illegal practitioner of radiologic technology or any other health
44 profession.

1 ~~(h)~~ (g) Offering, undertaking or agreeing to correct, cure or
2 treat a condition, disease, injury, ailment or infirmity by a secret
3 means, method, device or instrumentality.

4 ~~(i)~~ (h) Refusing to divulge to the ~~board~~ DEPARTMENT, on reasonable
5 notice and demand, the means, method, device or instrumentality used in
6 the treatment of a condition, disease, injury, ailment or infirmity. This
7 subdivision ~~shall~~ DOES not apply to communication between a technologist
8 or permit holder and a patient with reference to a disease, injury,
9 ailment or infirmity, or as to any knowledge obtained by personal
10 examination of the patient.

11 ~~(j)~~ (i) Giving or receiving, or aiding or abetting the giving or
12 receiving, of rebates, either directly or indirectly.

13 ~~(k)~~ (j) Knowingly making any false or fraudulent statement,
14 written or oral, in connection with the practice of radiologic technology.

15 ~~(l)~~ (k) ~~Refusal, revocation or suspension of~~ HAVING a certificate
16 or license REFUSED, REVOKED OR SUSPENDED by any other state, territory,
17 district or country for reasons that relate to the person's ability to
18 safely and skillfully practice radiologic technology or to any act of
19 unprofessional conduct.

20 ~~(m)~~ (l) ENGAGING IN any conduct or practice that does or would
21 constitute a danger to the health of the patient or the public.

22 ~~(n)~~ (m) Obtaining a fee by fraud or misrepresentation or wilfully
23 or intentionally filing a fraudulent claim with a third party for services
24 rendered or to be rendered to a patient.

25 ~~(o)~~ (n) Employing uncertified persons to perform or aiding and
26 abetting uncertified persons in the performance of work that can be done
27 legally only by certified persons.

28 ~~(p)~~ (o) Violating or attempting to violate, directly or
29 indirectly, or assisting or abetting the violation of or conspiring to
30 violate this chapter or a rule adopted by the ~~board~~ DEPARTMENT.

31 ~~25.~~ 24. "Unlimited practical technologist in radiology" means a
32 person holding an unlimited practical technologist in radiology
33 certificate that is granted and issued by the ~~board~~ DEPARTMENT.

34 ~~26.~~ 25. "Unlimited practical technologist in radiology
35 certificate" means a certificate that was issued to a person in 1977 or
36 1978, other than a licensed practitioner, who applies ionizing radiation
37 to the human body for diagnostic purposes while under the specific
38 direction of a licensed practitioner.

39 Sec. 11. Section 32-2802, Arizona Revised Statutes, is amended to
40 read:

41 32-2802. Advisory committee; members; appointment; terms;
42 compensation; meetings; removal; employees;
43 immunity

44 ~~A. The medical radiologic technology board of examiners is~~
45 ~~established in the department. The board is composed of the director of~~

1 ~~the department, or the director's designee, who serves as chairman and the~~
2 ~~following members appointed by the governor~~

3 A. THE DIRECTOR SHALL APPOINT AN ADVISORY COMMITTEE TO COLLABORATE
4 WITH AND ASSIST THE DIRECTOR IN PERFORMING THE DUTIES PRESCRIBED IN THIS
5 CHAPTER. THE DIRECTOR SHALL INFORM THE ADVISORY COMMITTEE REGARDING ALL
6 DISCIPLINARY ACTIONS. IN ADDITION TO THE DIRECTOR WHO SERVES AS
7 CHAIRPERSON, THE ADVISORY COMMITTEE SHALL INCLUDE:

8 1. Four members who are practicing radiologic technologists, who
9 have at least five years' experience and who hold radiologic technology
10 certificates issued pursuant to this chapter.

11 2. Two public members. Only a person who has never been a member,
12 or the spouse of a member, of a health care delivery profession and who
13 has never had a material financial interest in ~~the~~ providing ~~of~~ health
14 care or in a directly related activity is eligible to be a public member
15 of the ~~board~~ ADVISORY COMMITTEE.

16 3. Two members who are licensed practitioners, one of whom is a
17 radiologist.

18 4. One member who is a practical technologist in radiology, who has
19 at least five years' experience and who is a current license holder.

20 5. One member who is a practicing nuclear medicine technologist,
21 who has at least five years' experience in that field and who holds an
22 active certificate issued pursuant to this chapter.

23 B. All ADVISORY COMMITTEE members serve a term of three years to
24 begin and end on the third Monday of January in the appropriate year. The
25 ~~governor~~ DIRECTOR shall fill a vacancy that occurs before the expiration
26 of a term for the unexpired term.

27 C. Each ~~board~~ ADVISORY COMMITTEE member is eligible to receive
28 compensation as determined pursuant to section 38-611.

29 D. The ~~board~~ ADVISORY COMMITTEE shall meet at least once every six
30 months at times and places determined by the ~~board~~ ADVISORY COMMITTEE.
31 Special meetings also may be held at such times as the ~~board~~ ADVISORY
32 COMMITTEE may decide or on the call of the ~~chairman~~ CHAIRPERSON. A
33 written notice of the time, place and purpose of any special meeting shall
34 be mailed to all members of the ~~board~~ ADVISORY COMMITTEE.

35 E. The department may provide additional professional, technical,
36 secretarial and clerical assistance as the ~~board~~ ADVISORY COMMITTEE may
37 require to carry out its functions.

38 F. The ~~board~~ ADVISORY COMMITTEE shall hold examinations for
39 applicants for certificates pursuant to this chapter at least once every
40 six months, at times and places as the ~~board~~ ADVISORY COMMITTEE may
41 determine.

42 G. The ~~governor~~ DIRECTOR may terminate the term of ~~a board~~ AN
43 ADVISORY COMMITTEE member and declare the position vacant if the member
44 fails to attend three consecutive ~~board~~ ADVISORY COMMITTEE meetings.

1 H. The ~~board~~ ADVISORY COMMITTEE may hire practicing radiologic
2 technologists and other medical specialists to assist it in preparing and
3 administering examinations. These specialists shall receive the same
4 compensation as ~~board~~ ADVISORY COMMITTEE members.

5 I. The ~~board~~ ADVISORY COMMITTEE may employ temporary and permanent
6 personnel necessary to carry out the purposes of this chapter.

7 J. ~~Board~~ ADVISORY COMMITTEE members, ~~board~~ ADVISORY COMMITTEE staff
8 and ~~board~~ ADVISORY COMMITTEE examiners are personally immune from suit for
9 all actions taken in good faith in furtherance of the purposes of this
10 chapter.

11 Sec. 12. Section 32-2803, Arizona Revised Statutes, is amended to
12 read:

13 32-2803. Rules

14 ~~A. The director, after consultation and with the approval of the~~
15 ~~board and after notice and public hearing,~~ may adopt rules as may be
16 needed to carry out the purposes of this chapter. The rules shall
17 include, ~~but not be limited to:~~

18 1. Minimum standards of training and experience for persons to be
19 certified pursuant to this chapter and procedures for examining applicants
20 for certification.

21 2. Provisions identifying the types of applications of ionizing
22 radiation for a practical technologist in podiatry, practical technologist
23 in radiology, practical technologist in bone densitometry, radiologic
24 technologist, radiation therapy technologist, mammographic technologist,
25 nuclear medicine technologist, ~~bone densitometry technologist,~~ computed
26 tomography technologist and radiologist assistant and any new radiologic
27 modality technologist and those minimum standards of education and
28 training to be met by each type of applicant.

29 ~~B. Rules adopted pursuant to subsection A, paragraph 2 of this~~
30 ~~section establishing minimum standards of education and training to be met~~
31 ~~by practical technologist in podiatry applicants shall be approved or~~
32 ~~proposed by a joint committee on education, training and examination~~
33 ~~composed of an equal number of representatives from the medical radiologic~~
34 ~~technology board of examiners and the state board of podiatry~~
35 ~~examiners. The medical radiologic technology board of examiners shall~~
36 ~~determine the total membership of the committee, and the medical~~
37 ~~radiologic technology board of examiners and the state board of podiatry~~
38 ~~examiners shall appoint their respective representatives.~~

39 ~~C. The medical radiologic technology board of examiners may propose~~
40 ~~to the department standards as may be appropriate for carrying out the~~
41 ~~purposes of this chapter. In the case of proposing to the department~~
42 ~~standards governing practical technologists in podiatry, the medical~~
43 ~~radiologic technology board of examiners shall consult with the state~~
44 ~~board of podiatry examiners.~~

1 Sec. 13. Section 32-2804, Arizona Revised Statutes, is amended to
2 read:

3 32-2804. School approval; standards; considerations

4 A. The ~~board~~ DEPARTMENT may approve a school of radiologic
5 technology as maintaining a satisfactory standard if its course of study:

6 1. Is for a period of ~~not less than~~ AT LEAST twenty-four months of
7 full-time study or its equivalent and is accredited by the committee on
8 allied health accreditation or meets or exceeds the standards of this
9 chapter.

10 2. Includes ~~not less than~~ AT LEAST four hundred hours of classroom
11 work, including radiation protection, x-ray physics, radiographic
12 techniques, processing techniques, nursing procedures, anatomy and
13 physiology, radiographic positioning, radiation therapy and professional
14 ethics.

15 3. Includes ~~not less than~~ AT LEAST one thousand eight hundred hours
16 devoted to clinical experience.

17 4. Includes demonstrations, discussions, seminars and supervised
18 practice.

19 5. Includes ~~not less than~~ AT LEAST eighty hours of regularly
20 scheduled supervised film critiques.

21 B. An approved school of radiologic technology may be operated by a
22 medical or educational institution or other public or private agency or
23 institution and, for the purpose of providing the requisite clinical
24 experience, shall be affiliated with one or more hospitals that, ~~in the~~
25 ~~opinion of the board,~~ THE DEPARTMENT DETERMINES are likely to provide this
26 experience.

27 C. In approving a school of radiologic technology, the ~~board~~
28 DEPARTMENT shall consider the standards adopted by appropriate
29 professional organizations, including the joint review committee on
30 education in radiologic technology, ~~the American college of radiology and~~
31 ~~the American osteopathic college of radiology~~ and may accept the
32 certification of a school of radiologic technology or the accreditation of
33 a hospital to provide requisite clinical experience, ~~if the board~~
34 DEPARTMENT finds that certification or accreditation was granted on the
35 basis of standards that will afford the same protection to the public as
36 the standards provided by this chapter.

37 Sec. 14. Section 32-2812, Arizona Revised Statutes, is amended to
38 read:

39 32-2812. Applications for certificate; qualifications; fees;
40 examination; denial

41 A. An applicant for a certificate shall submit an application for
42 certification or an application for examination for certification,
43 accompanied by a nonrefundable fee ~~of sixty dollars~~ ESTABLISHED BY THE
44 DIRECTOR. ~~The application for certification fee may be prorated quarterly~~
45 ~~over the certification period.~~ An applicant who has practiced radiography

1 without certification shall pay a prorated fee retroactively to the
2 earliest date of uncertified practice. The fee for a replacement
3 certificate is ten dollars. The application for examination fee is
4 seventy dollars and shall not be prorated. An application shall ~~be~~
5 ~~verified by oath or affirmation and shall~~ contain information that the
6 applicant:

- 7 1. Is at least eighteen years of age.
- 8 2. Is of good moral character.
- 9 3. ~~Has successfully completed or obtained~~ MEETS ONE OF THE

10 FOLLOWING REQUIREMENTS:

11 (a) In the case of an application for radiologic technologist,
12 radiation therapy technologist or nuclear medicine technologist
13 certification, HAS SUCCESSFULLY COMPLETED a course of study at a school of
14 radiologic technology that is approved by the ~~board~~ DEPARTMENT or an
15 out-of-state school of radiologic technology that is approved by the joint
16 review committee on education in radiologic technology, the American
17 registry of radiologic technologists or the nuclear medicine technology
18 certification board.

19 (b) In the case of an application for practical technologist in
20 podiatry certification, practical technologist in bone densitometry
21 certification and practical technologist in radiology certification, ~~high~~
22 ~~school or its equivalent as determined by the medical radiologic~~
23 ~~technology board of examiners with the advice of the state board of~~
24 ~~education, and~~ satisfactorily meets the basic requisites determined by the
25 ~~medical radiologic technology board of examiners~~ DEPARTMENT pursuant to
26 section 32-2803.

27 (c) In the case of an application for radiologist assistant
28 certification, HAS OBTAINED a baccalaureate degree or postbaccalaureate
29 certificate from an advanced academic program that encompasses a
30 nationally recognized radiologist assistant curriculum that includes a
31 radiologist-directed clinical preceptorship. An applicant for
32 certification before April 1, 2009 is not required to have a baccalaureate
33 degree or postbaccalaureate certificate, but must have completed an
34 advanced academic program that encompasses a nationally recognized
35 radiologist assistant curriculum that includes a radiologist-directed
36 clinical preceptorship.

37 B. If the application is in proper form and it appears that the
38 applicant meets the eligibility requirements, the applicant shall be
39 notified of the time and place of the next examination.

40 C. The ~~board~~ DEPARTMENT may accept, in lieu of its own examination,
41 a certificate issued on the basis of an examination by a
42 certificate-granting body recognized by the ~~board~~ DEPARTMENT or a
43 certificate, registration or license issued by another state if that
44 state's standards for certification, registration or licensure are
45 satisfactory to the ~~board~~ DEPARTMENT.

1 D. The ~~board~~ DEPARTMENT may deny a certificate to an applicant who
2 has committed an act or engaged in conduct in any jurisdiction that
3 resulted in a disciplinary action against the applicant or that would
4 constitute grounds for disciplinary action under this chapter.

5 ~~E. The board or chairman of the board may designate a~~
6 ~~representative to approve or deny applications for certification.~~

7 Sec. 15. Section 32-2813, Arizona Revised Statutes, is amended to
8 read:

9 32-2813. Examination; contents; subsequent examinations

10 A. Examinations for certification shall include the subjects of
11 radiation protection, x-ray physics, radiographic techniques, processing
12 techniques, nursing procedures, anatomy terminology, radiological
13 mathematics, professional ethics and such other subjects as the ~~board~~
14 DEPARTMENT may deem appropriate.

15 B. The ~~board~~ DEPARTMENT shall prepare lists of examination
16 questions or problems and administer the examinations. ~~In the case of~~
17 ~~examinations for certification of practical technologists in podiatry the~~
18 ~~joint committee on education, training and examinations established under~~
19 ~~section 32-2803, subsection B shall prepare lists of examination questions~~
20 ~~or problems.~~

21 C. Examinations shall include written questions but may also
22 include practical and oral portions. Following each examination, the
23 papers and the practical and oral examinations shall be graded and the
24 standing of each applicant shall be recorded. The ~~board or its designated~~
25 ~~representative~~ DEPARTMENT shall either pass or reject each applicant.

26 D. An applicant who fails to pass an examination may reapply for
27 examination in the manner prescribed by section 32-2812. ~~A second~~
28 ~~failure, and all subsequent failures, of the examination~~ THE DEPARTMENT
29 shall require ~~that the~~ A candidate WHO FAILS THE EXAMINATION THREE TIMES
30 TO successfully complete additional training ~~to be~~ prescribed by the ~~board~~
31 DEPARTMENT before ~~acceptance of~~ ACCEPTING the candidate for reexamination.

32 Sec. 16. Section 32-2814, Arizona Revised Statutes, is amended to
33 read:

34 32-2814. Initial certificates; special permits; temporary
35 certificates

36 A. The ~~board~~ DEPARTMENT shall issue ~~a~~ AN INITIAL certificate THAT
37 IS VALID FOR TWO YEARS to each candidate who has paid the prescribed fee
38 and who either has successfully passed the examination or has been
39 accepted pursuant to section 32-2812.

40 B. The ~~board~~ DEPARTMENT, on application, may issue a special permit
41 to exempt a person from ~~the provisions of~~ this chapter if the ~~board~~
42 DEPARTMENT finds to its satisfaction that there is substantial evidence
43 that the people in the locality of the state in which such AN exemption is
44 sought would be denied adequate medical care because of THE unavailability
45 of certified licensed practitioners or persons holding certificates

1 pursuant to this chapter. The ~~board~~ DEPARTMENT shall issue a special
2 permit for a limited period of time, not to exceed one year, to be
3 prescribed by the ~~board~~ DEPARTMENT in accordance with the purposes of this
4 chapter. The ~~board~~ DEPARTMENT may renew a SPECIAL permit if the
5 PERMITTEE'S circumstances have not changed.

6 C. The ~~board through its designated representative~~ DEPARTMENT may
7 issue a temporary certificate to any person whose certification or
8 recertification is pending and in whose case the issuance of a temporary
9 certificate may be justified by reason of special circumstances.

10 D. A temporary certificate shall be issued only if the ~~board or its~~
11 ~~designated representative~~ DEPARTMENT finds that its issuance will not
12 violate the purposes of this chapter or tend to endanger the public health
13 and safety. A temporary certificate expires thirty days after the date of
14 the next examination if the applicant is required to take the examination
15 or, if the applicant does not take the examination, ~~then~~ on the date of
16 the examination. In all other cases, a temporary certificate expires when
17 the determination is made either to issue, or to deny the issuance of, a
18 certificate. A temporary certificate shall not be valid for more than one
19 ~~hundred eighty days~~ YEAR and may not be renewed ~~more than once~~.

20 E. A person shall submit an application for certification in a form
21 prescribed by the ~~board~~ DEPARTMENT. ~~The board may require that the~~
22 ~~application include other evidence of qualification.~~

23 Sec. 17. Section 32-2815, Arizona Revised Statutes, is amended to
24 read:

25 32-2815. Rules; bone densitometry certification; nuclear
26 medicine certification; continuing education

27 A. The ~~board~~ DEPARTMENT shall adopt rules regarding the
28 certification of practical technologists in bone densitometry to allow the
29 certificate holder to apply ionizing radiation to a person's extremities
30 through the use of a bone densitometry machine. The rules shall
31 prescribe:

32 1. The minimum education and training qualifications for
33 certification. The qualifications prescribed by the ~~board~~ DEPARTMENT
34 shall allow a person who does not meet the education and training
35 requirements of a radiologic technologist or a practical technologist in
36 radiology to obtain a certificate as a practical technologist in bone
37 densitometry.

38 2. The application and renewal fees.

39 ~~3. The definition of a practical technologist in bone densitometry.~~

40 B. Subsection A of this section does not prohibit a radiologic
41 technologist or a practical technologist in radiology from operating a
42 bone densitometry machine.

43 C. A person who wishes to practice as a nuclear medicine
44 technologist must apply to the ~~board~~ DEPARTMENT for certification as
45 prescribed by ~~the board by~~ rule. The ~~board~~ DEPARTMENT shall adopt rules

1 to establish minimum educational and training requirements for nuclear
2 medicine technologists.

3 D. The ~~board~~ DEPARTMENT shall adopt rules to prescribe the
4 following minimum continuing education requirements for the renewal of the
5 following certificates:

- 6 1. Practical technologist in podiatry, two hours every two years.
- 7 2. Practical technologist in radiology, six hours every two years.
- 8 3. Practical technologist in bone densitometry, two hours every two
9 years.
- 10 4. Unlimited practical technologist in radiology, twenty-four hours
11 every two years.
- 12 5. Nuclear medicine technologist, twenty-four hours every two
13 years.
- 14 6. Radiologist assistant, fifty hours every two years.
- 15 7. Radiologic technologist, twenty-four hours every two years.
- 16 8. Radiation therapy technologist, twenty-four hours every two
17 years.

18 E. The ~~board~~ DEPARTMENT may require an applicant for renewal to
19 document compliance with the appropriate continuing education requirements
20 of subsection D of this section.

21 Sec. 18. Section 32-2816, Arizona Revised Statutes, is amended to
22 read:

23 32-2816. Certificates; fee; terms; registration; renewal;
24 cancellation; waiver

25 A. Except as provided in section 32-4301, ~~if a certificate holder's~~
26 ~~last name begins with a letter that falls between A through M, the~~
27 ~~certificate expires on the last day of the certificate holder's birth~~
28 ~~month in every even-numbered year. All other certificates expire on the~~
29 ~~last day of the certificate holder's birth month in every odd-numbered~~
30 ~~year. The board shall notify a certificate holder thirty days before the~~
31 ~~expiration date of the certificate~~ A CERTIFICATE ISSUED UNDER THIS SECTION
32 IS VALID FOR TWO YEARS.

33 B. The ~~medical radiologic technology board of examiners~~ DEPARTMENT
34 may renew a certificate for two years on payment of a renewal fee ~~in an~~
35 ~~amount established by the board pursuant to section 32-2803~~ ESTABLISHED BY
36 THE DIRECTOR and submission of a renewal application containing
37 information the ~~board~~ DEPARTMENT requires to show that the applicant for
38 renewal is a technologist in good standing. The applicant for renewal
39 shall also present evidence satisfactory to the ~~medical radiologic~~
40 ~~technology board of examiners~~ DEPARTMENT of having completed the required
41 continuing education in radiologic technology within the preceding two
42 years. If a radiologic technologist is certified by the American registry
43 of radiologic technologists or nuclear medicine technology certification
44 board, that person must satisfy the continuing education requirements of
45 this subsection by providing the ~~medical radiologic technology board of~~

1 ~~examiners~~ DEPARTMENT with evidence of the technologist's good standing and
2 current certification with that registry.

3 C. A certificate holder who fails to renew the certificate on or
4 before the certificate's expiration as prescribed in subsection ~~A~~ B of
5 this section shall pay a penalty fee of fifty dollars for late renewal.

6 D. A certificate holder who does not renew a certificate within
7 thirty days after the certificate expires and who continues the active
8 practice of radiologic technology without adequate cause satisfactory to
9 the ~~board~~ DEPARTMENT is subject to censure, reprimand or denial of right
10 to renew the certificate pursuant to section 32-2821.

11 E. On the request of a certificate holder in good standing, the
12 ~~board~~ DEPARTMENT shall cancel a certificate.

13 F. The ~~board~~ DEPARTMENT shall waive the renewal fee if a
14 certificate holder submits an affidavit to the ~~board~~ DEPARTMENT stating
15 that the certificate holder is retired from the practice of radiologic
16 technology or wishes to be placed on inactive status. A retired or
17 inactive technologist who practices is subject to the same penalties
18 imposed pursuant to this chapter on a person who practices radiologic
19 technology without a certificate.

20 G. The ~~board~~ DEPARTMENT may reinstate a technologist on retired or
21 inactive status on payment of the renewal fee pursuant to subsection B of
22 this section.

23 Sec. 19. Section 32-2818, Arizona Revised Statutes, is amended to
24 read:

25 32-2818. Lapsed certification; inactive status; reinstatement

26 A person who was an unlimited practical technologist in radiology
27 under this chapter from and after December 31, 1992 and whose certificate
28 was not suspended or revoked but who failed to renew the certificate ~~may~~,
29 on application to the ~~medical radiologic technology board of examiners~~
30 DEPARTMENT, ~~MAY~~ be placed on inactive status or reinstated pursuant to
31 section 32-2816.

32 Sec. 20. Section 32-2819, Arizona Revised Statutes, is amended to
33 read:

34 32-2819. Radiologist assistants; certification; rules; scope
35 of practice

36 A. ~~Beginning January 1, 2009~~, A person who wishes to practice as a
37 radiologist assistant must apply to the ~~board~~ DEPARTMENT for a certificate
38 on a form and in the manner prescribed by the ~~board~~ DEPARTMENT pursuant to
39 the requirements of section 32-2812.

40 B. The ~~board~~ DEPARTMENT shall adopt rules to implement this
41 section. The rules shall include the following:

- 42 1. Continuing education requirements.

1 2. Any other requirements the ~~board~~ DEPARTMENT considers
2 appropriate to implement this section.

3 C. Pursuant to rules adopted by the ~~board~~ DEPARTMENT, a radiologist
4 assistant may do the following under the direct supervision of a
5 radiologist:

6 1. Perform fluoroscopic procedures.

7 2. Assess and evaluate the physiologic and psychological
8 responsiveness of patients undergoing radiologic procedures.

9 3. Evaluate image quality, make initial image observations and
10 communicate observations to the supervising radiologist.

11 4. Administer contrast media or other medications prescribed by the
12 supervising radiologist.

13 5. Perform any other procedures consistent with rules adopted by
14 the ~~board~~ DEPARTMENT.

15 D. In adopting rules pursuant to subsection C of this section, the
16 ~~board~~ DEPARTMENT shall consider guidelines established by the ~~American~~
17 ~~college of radiology~~, the American society of radiologic technologists and
18 the American registry of radiologic technologists.

19 E. A radiologist assistant shall not interpret images, make
20 diagnoses or prescribe medications or therapies.

21 F. A radiologist who supervises a radiologist assistant may
22 authorize the assistant to perform only those radiologic procedures
23 described in this section.

24 G. A person shall not do any of the following without a certificate
25 issued pursuant to this section:

26 1. Perform the radiologic procedures described in subsection C of
27 this section.

28 2. Claim to be a radiologist assistant, including using any sign,
29 advertisement, card, letterhead, circular or other writing, document or
30 design to induce others to believe the person is authorized to practice as
31 a radiologist assistant.

32 H. Subsection G of this section does not apply to either of the
33 following:

34 1. A person engaging in the scope of practice for which the person
35 holds a valid license or certificate.

36 2. A person performing a task as part of an advanced academic
37 program.

38 Sec. 21. Section 32-2821, Arizona Revised Statutes, is amended to
39 read:

40 32-2821. Revocation or suspension of certificate or permit;
41 civil penalties; enforcement; appeals; hearings

42 A. ~~The certificate of a technologist, radiologist assistant or~~
43 ~~permit holder may be suspended for a fixed period, or may be revoked, or~~
44 ~~the technologist or radiologist assistant may be censured, reprimanded or~~
45 ~~otherwise disciplined, if after a hearing pursuant to title 41, chapter 6,~~

1 ~~article 10 it is determined that~~ THE DIRECTOR MAY REVOKE OR SUSPEND A
2 CERTIFICATE OR PERMIT ISSUED UNDER THIS CHAPTER IF the holder of the
3 certificate or permit:

4 1. Is guilty of any fraud or deceit in activities as a technologist
5 or radiologist assistant or has been guilty of any fraud or deceit in
6 procuring or maintaining a certificate.

7 2. Has been convicted in a court of competent jurisdiction of a
8 crime involving moral turpitude. If the conviction has been reversed and
9 the holder of the certificate or permit has been discharged or acquitted
10 or if the holder of the certificate or permit has been pardoned or the
11 holder's civil rights have been restored, the certificate may be restored.

12 3. Is an habitual drunkard or is addicted to the use of morphine,
13 cocaine or other drugs having similar effect, is insane or uses
14 hallucinogens.

15 4. Has knowingly aided or abetted a person, not otherwise
16 authorized, who is not a certified technologist or radiologist assistant
17 or has not been issued a special permit in engaging in the activities of a
18 technologist or radiologist assistant.

19 5. Has undertaken or engaged in any practice beyond the scope of
20 the authorized activities of a certified technologist, radiologist
21 assistant or permit holder pursuant to this chapter.

22 6. Has impersonated a duly certified technologist, radiologist
23 assistant or permit holder or former duly certified technologist,
24 radiologist assistant or permit holder or is engaging in the activities of
25 a technologist, radiologist assistant or permit holder under an assumed
26 name.

27 7. Has been guilty of unethical professional conduct.

28 8. Has continued to practice without obtaining a certificate
29 renewal or a special permit renewal.

30 9. Has applied ionizing radiation to a human being when not
31 operating in each particular case under the direction of a duly licensed
32 practitioner or to any person or part of the human body other than
33 specified in the law under which the practitioner is licensed.

34 10. Has acted or is acting as an owner, co-owner or employer in any
35 enterprise engaged in the application of ionizing radiation to human
36 beings for the purpose of diagnostic interpretation or the treatment of
37 disease, without being under the direction of a licensed practitioner.

38 11. Has used or is using the prefix "Dr.", the word "doctor" or any
39 prefix or suffix to indicate or imply that the person is a duly licensed
40 practitioner if this is not true.

41 12. Is or has been guilty of incompetence or negligence in
42 activities as a technologist.

43 13. Is or has been afflicted with any medical problem, disability or
44 addiction, that the ~~board~~ DEPARTMENT determines impairs the certificate
45 or permit holder's professional competence.

1 14. Has interpreted a diagnostic image for a physician, a patient,
2 the patient's family or the public.

3 15. HAS VIOLATED ANY PROVISION OF THIS CHAPTER OR RULE ADOPTED
4 PURSUANT TO THIS CHAPTER.

5 ~~B. Proceedings pursuant to this section against any certified
6 technologist, radiologist assistant or permit holder shall begin by filing
7 with the board a written charge or charges under oath against the
8 technologist, radiologist assistant or permit holder. The charges may be
9 referred by any person, corporation, association or public officer or by
10 the board on its own motion. A copy of the charges, together with a
11 report of the investigation as the board deems proper, shall be referred
12 to the chairman of the board for review. If the chairman decides that the
13 charges should be heard, the chairman shall designate three or more
14 members of the board as a committee to hear and report on the charges and
15 shall set a time and place for the hearing pursuant to title 41, chapter
16 6, article 10. A copy of the charges, together with a notice of the time
17 and place of hearing, shall be served on the person charged either
18 personally or by certified mail at least twenty days before the date fixed
19 for the hearing. The board or its committee may issue subpoenas for the
20 appearance of witnesses and to take testimony under oath.~~

21 B. A PERSON MAY APPEAL THE REVOCATION OR SUSPENSION UNDER
22 SUBSECTION A OF THIS SECTION BY REQUESTING A HEARING PURSUANT TO TITLE 41,
23 CHAPTER 6, ARTICLE 10. IF THE REVOCATION OR SUSPENSION IS APPEALED, THE
24 DIRECTOR MAY NOT TAKE FURTHER ACTION TO ENFORCE THE REVOCATION OR
25 SUSPENSION UNTIL AFTER THE HEARING.

26 C. If the certificate of any person has been revoked or suspended,
27 the ~~board may~~ DEPARTMENT, after the expiration of two years, ~~entertain~~ MAY
28 CONSIDER an application for restoration of the certificate ~~under~~
29 ~~conditions to be prescribed by the board for each individual case.~~

30 D. The ~~board~~ DIRECTOR may ~~impose~~ ASSESS a CIVIL penalty ~~of~~ AGAINST
31 A PERSON IN AN AMOUNT not to exceed two hundred fifty dollars for each
32 violation of this ~~section~~ CHAPTER OR A RULE ADOPTED PURSUANT TO THIS
33 CHAPTER. EACH DAY A VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION.

34 E. THE DIRECTOR SHALL ISSUE A NOTICE OF ASSESSMENT THAT INCLUDES
35 THE PROPOSED AMOUNT OF THE ASSESSMENT. IN DETERMINING THE AMOUNT OF A
36 CIVIL PENALTY ASSESSED AGAINST A PERSON UNDER THIS SUBSECTION, THE
37 DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING:

- 38 1. REPEATED VIOLATIONS OF STATUTES AND RULES.
- 39 2. PATTERNS OF NONCOMPLIANCE.
- 40 3. TYPES OF VIOLATIONS.
- 41 4. THE SEVERITY OF VIOLATIONS.
- 42 5. THE POTENTIAL FOR AND OCCURRENCES OF ACTUAL HARM.
- 43 6. THREATS TO HEALTH AND SAFETY.
- 44 7. THE NUMBER OF PERSONS AFFECTED BY THE VIOLATIONS.

- 1 8. THE NUMBER OF VIOLATIONS.
- 2 9. THE LENGTH OF TIME THE VIOLATIONS HAVE BEEN OCCURRING.
- 3 F. A PERSON MAY APPEAL THE CIVIL PENALTY ASSESSMENT BY REQUESTING A
- 4 HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. IF AN ASSESSMENT IS
- 5 APPEALED, THE DIRECTOR MAY NOT TAKE FURTHER ACTION TO ENFORCE AND COLLECT
- 6 THE ASSESSMENT UNTIL AFTER THE HEARING.
- 7 G. ACTIONS TO ENFORCE THE COLLECTION OF CIVIL PENALTIES ASSESSED
- 8 PURSUANT TO THIS SECTION SHALL BE BROUGHT BY THE ATTORNEY GENERAL OR THE
- 9 COUNTY ATTORNEY IN THE NAME OF THE STATE IN THE JUSTICE COURT OR THE
- 10 SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED.
- 11 H. The ~~board~~ DEPARTMENT shall deposit, pursuant to sections 35-146
- 12 and 35-147, ~~monies~~ CIVIL PENALTIES collected pursuant to this ~~subsection~~
- 13 SECTION in the state general fund.
- 14 ~~E. Except as provided in section 41-1092.08, subsection H, a person~~
- 15 ~~may appeal a final board decision to the superior court pursuant to title~~
- 16 ~~12, chapter 7, article 6.~~
- 17 I. THE DEPARTMENT SHALL CONDUCT ANY HEARING TO REVOKE OR SUSPEND A
- 18 CERTIFICATE OR PERMIT OR IMPOSE A CIVIL PENALTY UNDER THIS SECTION
- 19 PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.
- 20 ~~F.~~ J. The ~~board~~ DEPARTMENT may issue a nondisciplinary order
- 21 requiring the certificate holder or permit holder to complete a prescribed
- 22 number of hours of continuing education in an area or areas prescribed by
- 23 the ~~board~~ DEPARTMENT to provide the certificate holder or permit holder
- 24 with the necessary understanding of current developments, skills,
- 25 procedures or treatment. THE DEPARTMENT MAY ALSO FILE A LETTER OF
- 26 CONCERN, ISSUE A DECREE OF CENSURE, PRESCRIBE A PERIOD OF PROBATION OR
- 27 RESTRICT OR LIMIT THE PRACTICE OF A CERTIFICATE OR PERMIT HOLDER.
- 28 Sec. 22. Section 32-2824, Arizona Revised Statutes, is amended to
- 29 read:
- 30 32-2824. Inspections
- 31 A. The ~~board~~ DEPARTMENT or its duly authorized representatives may
- 32 enter during scheduled work hours on private or public property for the
- 33 purpose of:
- 34 1. Ensuring that only ~~board-certified~~ CERTIFIED individuals or
- 35 individuals WHO ARE exempt from ~~board~~ certification are operating ionizing
- 36 radiation machines.
- 37 2. Determining whether a certified individual is practicing beyond
- 38 the scope of the person's certificate.
- 39 3. Determining whether a certified individual has violated the
- 40 provisions of this chapter.
- 41 4. Auditing ionizing radiation logbooks.
- 42 5. DETERMINING COMPLIANCE WITH THIS CHAPTER AND THE RULES ADOPTED
- 43 PURSUANT TO THIS CHAPTER.

1 B. The ~~board~~ DEPARTMENT may enter areas under the jurisdiction of
2 the federal government only with its permission.

3 ~~C. The board on its own motion, or the executive director if~~
4 ~~delegated by the board, may investigate any evidence that appears to show~~
5 ~~the existence of any of the causes or grounds for disciplinary action as~~
6 ~~provided in section 32-2821, subsection A. The board may investigate any~~
7 ~~complaint that alleges the existence of any of the causes or grounds for~~
8 ~~disciplinary action as provided in section 32-2821, subsection A.~~

9 Sec. 23. Section 32-2825, Arizona Revised Statutes, is amended to
10 read:

11 32-2825. Injunctive relief

12 The ~~board~~ DEPARTMENT may file a petition for injunctive relief
13 against a person who violates a provision of this chapter. ~~The petition~~
14 ~~may be filed in the superior court in Maricopa county or in the county~~
15 ~~where the defendant resides or is found~~ THE PERSON MAY BE SERVED IN ANY
16 COUNTY OF THIS STATE. THE ACTION SHALL BE BROUGHT ON BEHALF OF THE
17 DIRECTOR BY THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY OF THE COUNTY IN
18 WHICH THE VIOLATION IS OCCURRING.

19 Sec. 24. Section 32-2841, Arizona Revised Statutes, is amended to
20 read:

21 32-2841. Mammographic technologists; computed tomography
22 technologists; certification; renewal

23 A. A person who wishes to perform diagnostic MAMMOGRAPHY or
24 screening mammography as defined in section 30-651 shall obtain a
25 mammographic technologist certificate from the ~~board~~ DEPARTMENT. A person
26 who wishes to perform computed tomography shall obtain a computed
27 tomography technologist certificate from the ~~board~~ DEPARTMENT. The ~~board~~
28 DEPARTMENT shall issue a certificate to an applicant who:

- 29 1. Pays a ~~prorated~~ twenty dollar application fee.
- 30 2. Holds a current radiologic technology certificate issued by the
31 ~~board~~ DEPARTMENT.

32 3. For a mammographic certification, completes the training and
33 education requirements of subsection B of this section and passes an
34 examination as prescribed in subsection D of this section.

35 4. For a computed tomography technologist certification, provides
36 documentation of two years of experience in computed tomography and
37 completion of twelve hours of computed tomography specific education or
38 passes an examination as prescribed in subsection D of this section.

39 B. To satisfy the education requirements of subsection A of this
40 section, an applicant shall meet the initial training and education
41 requirements of the mammography quality standards act regulations for
42 quality standards of mammographic technologists, 21 Code of Federal
43 Regulations section 900.12.

1 C. The ~~board~~ DEPARTMENT shall issue a student mammography permit,
2 PRECEPTORSHIP OR TEMPORARY CERTIFICATE to a person who is in training and
3 meets the requirement of subsection A, paragraph 2 of this section if the
4 applicant also provides the ~~board~~ DEPARTMENT with verification of
5 employment and the name of the radiologist who agrees to be responsible
6 for the applicant's supervision and training. A student mammography
7 permit, PRECEPTORSHIP OR TEMPORARY CERTIFICATE is valid for one year from
8 the date it is issued and may NOT be renewed ~~one time for an additional~~
9 ~~six months~~. If the holder completes all of the requirements of subsection
10 A of this section within the permitted period, the ~~board~~ DEPARTMENT shall
11 issue a mammographic OR COMPUTED TOMOGRAPHY technologist certificate. The
12 mammographic OR COMPUTED TOMOGRAPHY technologist certificate shall be
13 renewed as prescribed under subsection E of this section.

14 D. To satisfy the examination requirements of this section an
15 applicant shall pass an examination in mammography or computed tomography
16 administered by the ~~board~~ DEPARTMENT or, in lieu of its own examination,
17 the ~~board~~ DEPARTMENT may accept a certificate issued on the basis of an
18 examination by a certificate-granting body recognized by the ~~board~~
19 DEPARTMENT.

20 E. Except as provided in section 32-4301, a certificate THAT IS
21 issued under this section is valid for two years. ~~If a certificate~~
22 ~~holder's last name begins with a letter that falls between A through M,~~
23 ~~the certificate expires on the last day of the certificate holder's birth~~
24 ~~month in every even-numbered year. All other certificates expire on the~~
25 ~~last day of the certificate holder's birth month in every odd-numbered~~
26 ~~year.~~ The ~~board~~ DEPARTMENT shall notify a certificate holder thirty days
27 before the expiration date of the certificate. An applicant for renewal
28 of a mammographic technologist certificate shall meet the continuing
29 education requirements of the mammography quality standards act
30 regulations for quality standards of mammographic technologists, 21 Code
31 of Federal Regulations section 900.12. If a radiologic technologist is
32 certified by the American registry of radiologic technologists, that
33 person must satisfy the continuing education requirements of this
34 subsection by providing the ~~board~~ DEPARTMENT with evidence of the
35 technologist's good standing and current certification with that registry.
36 The applicant shall also pay a twenty dollar renewal fee to the ~~board~~
37 DEPARTMENT.

38 ~~F. The board shall prorate fees for a new certificate for the~~
39 ~~remaining full calendar months of the respective group to which the~~
40 ~~certificate is assigned.~~

41 ~~G.~~ F. A person or facility that employs a person certified under
42 this section shall report any suspected violations of section 32-2821 to
43 the ~~board~~ DEPARTMENT. The ~~board~~ DEPARTMENT shall investigate the
44 complaint ~~and act as prescribed under section 32-2821~~. If in the course
45 of its investigation the ~~board~~ DEPARTMENT determines that a person

1 regulated by another regulatory agency of this state may have violated
2 that agency's laws, the ~~board~~ DEPARTMENT shall report the violation to the
3 other agency for disciplinary action.

4 Sec. 25. Repeal

5 Sections 41-3018.04 and 41-3018.23, Arizona Revised Statutes, are
6 repealed.