

Amendment to SB 330-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to licensure of medical imaging professionals and radiation therapists.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 New Subparagraph; Office of Professional Licensure and Certification; Medical Imaging and
8 Radiation Therapy. Amend RSA 310-A:1-a, II by inserting after subparagraph (y) the following new
9 subparagraph:

10 (z) Medical imaging and radiation therapists under RSA 328-J:1.

11 2 New Chapter; Medical Imaging and Radiation Therapy. Amend RSA by inserting after
12 chapter 328-I the following new chapter:

13 CHAPTER 328-J

14 MEDICAL IMAGING AND RADIATION THERAPY

15 328-J:1 Definitions. In this chapter:

16 I. "Board" means the board of medical imaging and radiation therapy.

17 II. "Certification organization" means a national certification organization that specializes
18 in the certification and registration of medical imaging and radiation therapy technical personnel
19 that is accredited by the National Commission for Certifying Agencies, American National
20 Standards Institute, the International Organization for Standardization, or other accreditation
21 organization recognized by the board.

22 III. "Computed tomography" means the process of producing sectional and three-
23 dimensional images using external ionizing radiation.

24 IV. "Fluoroscopy" means the exposure of a patient to ionizing radiation in a fluoroscopy
25 mode, including the positions of the patient, positioning of the fluoroscopy equipment and the
26 selection of exposure factors.

27 V. "Licensed practitioner" means a person licensed to practice medicine, dentistry,
28 chiropractic, podiatry, or osteopathy in New Hampshire.

29 VI. "Limited x-ray machine operator" means a person who is licensed under this chapter to
30 perform, under the supervision of a licensed practitioner, limited diagnostic radiography procedures
31 of specific parts of human anatomy or bone density measurements using equipment that emits
32 external ionizing radiation.

33 VII. "Magnetic resonance technologist" means a person who is licensed under this chapter

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1 to perform magnetic resonance procedures using magnetic fields and radio frequency signals.

2 VIII. "Medical imaging" means any procedure intended for use in the diagnosis or
3 visualization of disease or other medical conditions in human beings, including, but not limited to
4 the following modalities, radiography, nuclear medicine, fluoroscopy, magnetic resonance, and other
5 procedures using ionizing radiation, magnetic resonance, or ultrasound.

6 IX. "Medical imaging professional" means any person who is a magnetic resonance
7 technologist, nuclear medicine technologist, radiographer, radiologist assistant, or sonographer
8 licensed under this chapter.

9 X. "Nuclear medicine technologist" means a person who is licensed under this chapter to
10 perform a variety of nuclear medicine and molecular imaging procedures using sealed and unsealed
11 radiation sources, ionizing and nonionizing radiation, and adjunctive medicine and therapeutic
12 procedures using unsealed radioactive sources.

13 XI. "Radiation therapist" means a person who is licensed under this chapter to administer
14 ionizing radiation to human beings for therapeutic purposes.

15 XII. "Radiographer" means a person who is licensed under this chapter to perform a
16 comprehensive set of diagnostic radiographic procedures using external ionizing radiation to
17 produce radiographic, fluoroscopic, or digital images.

18 XIII. "Radiologist" means a physician certified by or board-eligible to be certified for the
19 American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal
20 College of Radiology, or the Canadian College of Physicians and Surgeons in that medical specialty.

21 XIV. "Radiologist assistant" means a radiographer who has met additional qualifications
22 and who is licensed under this chapter to perform a variety of activities under the supervision of a
23 radiologist in the areas of patient care, patient management, radiologic imaging or interventional
24 procedures guided by radiologic imaging.

25 XV. "Sonographer" means a person who is licensed under this chapter to perform a
26 comprehensive set of diagnostic sonography procedures using ultrasound to create medical images.

27 328-J:2 Purpose. This chapter is intended to safeguard life and health of the people of
28 New Hampshire by ensuring the standardized training of limited x-ray machine operators, medical
29 imaging professionals, and radiation therapists in anatomy, patient positioning, examination and
30 treatment techniques, equipment protocols, radiation safety, radiation protection, and basic patient
31 care.

32 328-J:3 Board; Membership; Terms.

33 I. There shall be a board of medical imaging and radiation therapy consisting of 7 members.
34 The members shall be appointed by the governor with the consent of the council as follows:

35 (a) One member who is a licensed radiographer.

36 (b) One member who is a licensed nuclear medicine technologist.

37 (c) One member who is a licensed radiation therapist.

38 (d) One member who is a licensed sonographer.

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1 (e) One member who is a radiologist.

2 (f) Two public members, who are not and never were, members of a health care
3 profession or the spouse of any such person, and who do not have, and never have had, a material
4 financial interest in either the provision of medical services or an activity directly related to health
5 care.

6 II.(a) Each professional member of the board shall hold a valid license issued by the board
7 in the category of license for that member's specialty, shall be a resident of this state, and shall
8 remain in active practice and in good standing with the board as a licensee during his or her term.

9 (b) Initial professional appointees to the board shall not be required to hold a current
10 and valid license issued by the board, but shall have actively practiced for a minimum of 5 years as
11 a means of his or her livelihood prior to appointment.

12 (c) The terms for the initial appointments under paragraph I shall be as follows:

13 (1) The member under subparagraph I(b) shall serve for an initial 2-year term.

14 (2) The member under subparagraph I(c) shall serve for an initial one-year term.

15 (3) The member under subparagraph I(e) shall serve for an initial 2-year term.

16 III. Except for initial appointments under subparagraph II(c), each member shall be
17 appointed to a term of 3 years. No member shall serve more than 2 consecutive terms. Appointees
18 to fill vacancies shall serve the remainder of the unexpired term and until their successors have
19 been duly appointed and qualified.

20 IV. Members of the board shall receive \$50 for each day actually engaged in the duties of
21 the board and shall be reimbursed for all actual travel necessarily incurred in carrying out the
22 provisions of this chapter.

23 328-J:4 Administrative and Business Processing Functions. All administrative, clerical, and
24 business processing functions of the board shall be under the office of professional licensure and
25 certification established in RSA 310-A:1 through RSA 310-A:1-e.

26 328-J:5 Removal of Members; Vacancies. The governor and council may remove any member of
27 the board for misconduct, incompetence, neglect of duty, or other sufficient cause after the member
28 has been given a written statement of the charges and an opportunity to be heard regarding such
29 charges. Any vacancy in the membership of the board occurring otherwise than by expiration of a
30 member's term shall be promptly filled for the unexpired term, after which the replacement board
31 member shall be eligible for one additional consecutive term if reappointed. The replacement board
32 member shall be of the same qualification and appointed by the governor and council.

33 328-J:6 Organization and Meetings. The board shall hold meetings at least 2 times per year.
34 Other meetings of the board shall be held at such times and upon such notice as the rules of the
35 board provide. Four members shall constitute a quorum.

36 328-J:7 Board Responsibilities; Rulemaking Authority. The board shall adopt rules, pursuant
37 to RSA 541-A, relative to:

38 I. The application procedure for any license issued under this chapter.

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- 1 II. The qualifications of applicants in addition to those required by statute.
- 2 III. The design and content of all forms required under this chapter.
- 3 IV. The establishment of all fees required under this chapter.
- 4 V. How an applicant shall be examined, including:
- 5 (a) Time and place of examination.
- 6 (b) The subjects to be tested.
- 7 (c) Passing grade.
- 8 (d) Disposition of examination papers.
- 9 VI. How a license shall be renewed, reinstated, or placed on inactive status.
- 10 VII. Ethical standards, required to be met by each limited x-ray machine operator, medical
11 imaging professional, and radiation therapist licensed under this chapter, and how a license may be
12 revoked for violation of these standards.
- 13 VIII. Establishment of the scope of practice for limited x-ray machine operators, medical
14 imaging professionals, and radiation therapists.
- 15 IX. Procedures for assuring the continuing competence of limited x-ray machine operators,
16 medical imaging professionals, and radiation therapists licensed under this chapter including, but
17 not limited to, continuing education requirements and the professional's health program.
- 18 X. How licensees shall provide evidence of good professional character and reliability to
19 satisfy the board that they shall faithfully and conscientiously avoid professional misconduct and
20 otherwise adhere to the requirements of this chapter.
- 21 XI. Procedures for accepting and responding to written complaints, publicizing the
22 complaint procedure, standards of and procedures for conducting investigations, investigator
23 training requirements, and procedures for conducting disciplinary hearings and alternative dispute
24 resolution under this chapter.
- 25 XII. Procedures relative to the disclosure to the public of final disciplinary actions by the
26 board, including those actions that occur without holding a public hearing. Dismissed complaints
27 shall not be made public.
- 28 XIII. Standards of care for the practice of telemedicine or telehealth.
- 29 XIV. Interstate licensure and temporary permits under RSA 328-J:20.
- 30 XV. Procedures for an educational program review and approval to follow in making
31 application for approval by the board.
- 32 XVI. A process for reviewing the accreditation status of an educational program which is
33 currently accredited by a recognized national educational accreditation organization.
- 34 328-J:8 Educational Qualifications. The board shall approve medical imaging and radiation
35 therapy educational programs that the board determines meet the criteria and standards
36 established by the board. The curriculum for each course of study shall be no less stringent than
37 the standards approved by the Joint Review Committee on Education in Radiologic Technology,
38 Joint Review Committee on Education in Nuclear Medicine Technology, Commission on

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1 Accreditation of Allied Health Education Programs, or any other appropriate educational
2 accreditation agency approved by the board.

3 328-J:9 Temporary Suspension Where Imminent Threat. In cases involving imminent danger
4 to life or health, the board may order suspension of a license pending hearing for a period of no
5 more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or
6 health shall be reduced to writing and combined with a hearing notice which complies with RSA
7 328-J:18, I. A licensee may be allowed additional time to prepare for a hearing, but any additional
8 time for preparation shall result in an extension of the license suspension commensurate with the
9 additional time extended.

10 328-J:10 License Required. Beginning July 1, 2017, no person shall perform medical imaging
11 or administer radiation therapy procedures on humans for diagnostic or therapeutic purposes as
12 defined in this chapter or otherwise indicate or imply that the person is licensed to perform medical
13 imaging procedures or administer radiation therapy unless that person is currently licensed under
14 this chapter.

15 328-J:11 Licensure; Medical Imaging Professionals and Radiation Therapists. The board shall
16 issue licenses to individuals who meet the following qualifications:

17 I. Limited x-ray machine operator license. To qualify for a license as a limited x-ray
18 machine operator, an applicant shall meet the following requirements:

19 (a) Be at least 18 years of age;
20 (b) Have obtained a high school diploma or have passed an approved equivalency test;
21 (c) Successfully complete a course of study in limited x-ray machine operation approved
22 by the board; and

23 (d) Pass an examination in limited x-ray machine operation approved by the board. To
24 assess an applicant's competence in limited x-ray machine operation the board may use:

25 (1) The American Registry of Radiologic Technologist limited x-ray machine
26 operator examination for limited bone density, chest, extremities, podiatric, skull/sinus and
27 podiatric radiography;

28 (2) The American Chiropractic Registry of Radiologic Technologists examination in
29 spine radiography;

30 (3) The American Society of Podiatric Medical Assistants examination in podiatric
31 radiography;

32 (4) The International Society for Clinical Densitometry examination in clinical bone
33 densitometry technology; or

34 (5) A certification organization recognized by the board.

35 II. Magnetic resonance technologist license. To qualify for a license as a magnetic
36 resonance technologist, an applicant shall meet the following requirements:

37 (a) Be at least 18 years of age;

38 (b) Have obtained a high school diploma or have passed an approved equivalency test;

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(c) Successfully complete a course of study in radiography and additional educational requirements in magnetic resonance technology approved by the board; and

(d) Possess current certification and registration in radiography from the American Registry of Radiologic Technologists or current certification and registration in magnetic resonance from the American Registry of Radiologic Technologists or a certification organization approved by the board.

(e) By January 1, 2020, all applicants for a magnetic resonance technologist license shall be certified in magnetic resonance by the American Registry of Radiologic Technologists or a certification organization recognized by the board.

III. Nuclear medicine technologist license. To qualify for a license as a nuclear medicine technologist, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in nuclear medicine technology approved by the board; and

(d) Possess current certification and registration in nuclear medicine technology from the American Registry of Radiologic Technologists, Nuclear Medicine Technology Certification Board, or a certification organization recognized by the board.

IV. Radiation therapist license. To qualify for a license as a radiation therapist, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in radiation therapy approved by the board; and

(d) Possess current certification and registration in radiation therapy from the American Registry of Radiologic Technologists or a certification organization recognized by the board.

V. Radiographer license. To qualify for a license as a radiographer, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in radiography approved by the board; and

(d) Possess current certification and registration in radiography from the American Registry of Radiologic Technologists or a certification organization approved by the board.

VI. Radiologist assistant license. To qualify for a license as a radiologist assistant, an applicant shall meet the following requirements:

(a) Possess a radiographer license and current certification and registration in radiography from the American Registry of Radiologic Technologists or a certification organization

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1 approved by the board;

2 (b) Possess current certification and registration as a radiologist assistant or radiology
3 practitioner assistant from the American Registry of Radiologic Technologists, Certification Board of
4 Radiology Physician Assistants or a certification organization approved by the board; and

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

11 VII. Sonographer license. To qualify for a license as a sonographer, an applicant shall meet
12 the following requirements:

13 (a) Be at least 18 years of age;

14 (b) Have obtained a high school diploma or have passed an approved equivalency test;

15 (c) Successfully complete a course of study in sonography approved by the board; and

16 (d) Possess current certification and registration in sonography from the American
17 Registry of Radiologic Technologists, American Registry of Diagnostic Medical Sonography,
18 Cardiovascular Credentialing International, or a certification organization approved by the board.

19 328-J:12 Scope of Practice; Limitations.

20 I. A person holding a license under this chapter may use radioactive substances, equipment
21 emitting ionizing radiation, magnetic resonance, or ultrasound for medical imaging or radiation
22 therapy procedures on humans for diagnostic or therapeutic purposes only by prescription of an
23 individual authorized by the state to prescribe medical imaging or radiation therapy procedures and
24 under the supervision of a licensed practitioner.

25 II. A person holding a license under this chapter may use radioactive substances or
26 equipment emitting ionizing radiation, magnetic resonance, or ultrasound for medical imaging and
27 radiation therapy procedures on humans for diagnostic or therapeutic purposes only within the
28 scope of that license as specified in this chapter and under the rules adopted by the board.

29 III. Persons licensed as limited x-ray machine operators shall perform tasks only within the
30 scope of the specific permit issued to them by the board and under the direct supervision of a
31 licensed practitioner or licensed radiographer for a particular area of the human anatomy as
32 provided in the chapter and shall not perform computed tomography, fluoroscopy, magnetic
33 resonance imaging, mammography, radiation therapy, sonography, mobile imaging procedures, or
34 imaging procedures using contrast media.

35 IV. Individuals licensed as a radiologist assistant shall not interpret images, make
36 diagnoses, or prescribe medications or therapies.

37 328-J:13 Applications; Temporary License.

38 I. Applications for licensure or for a temporary license shall be on forms prescribed and

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furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work. The board shall establish fees for application and any examination required under this chapter. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

II. The board may issue a temporary license to any person whose certification and registration is pending or when issuance is for the purpose of providing medical imaging or radiation therapy services to medically underserved areas as determined by the board. A temporary license shall be issued only if the board finds that it will not violate the purpose of this chapter or endanger the public health and safety. A temporary license shall expire 90 days after the date of the next examination if the applicant is required to take an examination. If the applicant does not take the examination on the scheduled date, the temporary license shall expire. In all other cases, a temporary license shall expire when the determination is made either to issue or deny the applicant a regular license. A temporary license shall not be issued for a period longer than 180 days.

III. New graduates awaiting national certification and registration may be issued a temporary license for employment purposes for a period not to exceed one year.

IV. Any person issued a license under this chapter shall display the official license document or a verified copy in each place of regular employment.

328-J:14 Educational Programs. All educational programs approved by the board in radiography, radiation therapy, nuclear medicine technology, magnetic resonance technology, sonography, radiologist assistant or limited x-ray machine operation may be offered by a medical facility or educational institution. The program shall be affiliated with one or more hospitals or clinics approved by the board to provide the requisite clinical education.

328-J:15 License Renewal; Continuing Education.

I. The board shall send, by mail or otherwise, notification of the impending license expiration to each licensee at least 2 months prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. All licenses issued by the board shall expire on the last day of the licensee's month of birth in the second year following the year of issuance, or upon such other biennial date as the board may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The board shall charge a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any

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renewal application received 12 months after the expiration date shall be rejected, unless accompanied by proof of successful completion of the examination required by the board. Licensees shall complete at least 24 hours of board-approved continuing education during each license period in order to maintain his or her license. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be re-examined for licensure.

III. Licensees who have been activated by the military shall be exempt from any penalties or fees for renewal or reinstatement due to their absence, as approved by the board.

328-J:16 Notification of Changes. Licensees shall notify the board in writing within 30 days after a name or address change.

328-J:17 Required Reporting. A licensee shall submit written notification to the board of any legal or disciplinary action other than minor traffic infractions or proceedings initiated against the licensee by any other licensing jurisdiction whether United States or foreign, any health care institution, any professional society or association, any certification organization, any government agency, by any law enforcement agency, or any court within 30 days for acts or conduct substantially the same as acts or conduct which would constitute grounds for suspension, denial, modification, limitation, revocation, or refusal to renew a license.

328-J:18 Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and appropriately pursued by the board. Written complaints received by the board shall be acknowledged within 3 months of the date of notice to the board. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II. The board shall have the power to administer oaths or affirmations, preserve testimony, subpoena witnesses, and to compel, by subpoena duces tecum, the production of all books, records, files and documents, whether originals, copies, or in electronic or other form, and other materials, relevant to its investigation of any grievance, complaint, or disciplinary proceeding before the board.

(a) The board may issue subpoenas with the approval of the office of the attorney general.

(b) A minimum of 10 business days' notice shall be given for compliance with a subpoena under this chapter.

III. At any hearing, the named person or licensee shall have the right to:

(a) Appear in person, by counsel, or both.

(b) Produce evidence and witnesses.

(c) Cross-examine witnesses.

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1 IV. If the named person fails or refuses to appear, the board may proceed to hear and
2 determine the validity of the charges.

3 V. Any disciplinary action by the board shall be published in the report of the board and
4 shall be a public record in accordance with RSA 91-A.

5 328-J:19 Penalties.

6 I. The board may deny, suspend, revoke, or refuse to renew a license or impose
7 probationary conditions on a license if the licensee or applicant for licensure has engaged in any of
8 the following conduct:

9 (a) Obtaining a license by means of fraud, misrepresentation, or concealment of
10 material facts.

11 (b) Engaging in unprofessional conduct pursuant to rules adopted by the board.

12 (c) Having been convicted of or pleaded guilty or nolo contendere to a crime involving
13 moral turpitude or any crime which indicates that the licensee or applicant is unfit or incompetent
14 to administer medical imaging or radiation therapy procedures or that the licensee or applicant has
15 deceived or defrauded the public.

16 (d) Engaging in any act or practice in violation of any of the provisions of this chapter
17 or any rule adopted by the board or aiding, abetting, or assisting any person in such a violation.

18 (e) Committing an act or acts of malpractice, gross negligence, or incompetence in
19 administering medical imaging or radiation therapy procedures.

20 (f) Practicing as a person licensed to administer medical imaging or radiation therapy
21 procedures without a current license.

22 (g) Engaging in conduct that could result in harm or injury to the public.

23 (h) Having a license issued under this chapter revoked or suspended or other
24 disciplinary action taken, whether in this state or another jurisdiction.

25 (i) Being unfit or incompetent to administer medical imaging or radiation therapy
26 services by reason of deliberate or negligent acts or omissions, regardless of whether actual injury
27 to a patient is established.

28 II. The board, upon making an affirmative finding under paragraph I, may take
29 disciplinary action in any one or more of the following ways:

30 (a) By written reprimand.

31 (b) By suspension, refusal to renew, limitation or restriction of a license, or probation
32 for a period of time determined to be reasonable by the board.

33 (c) By revocation of a license.

34 (d) By requiring the person to participate in a program of continuing education in the
35 area or areas in which the person has been found deficient.

36 (e) By requiring the person to practice under the direct supervision of a medical
37 imaging professional or radiation therapist for a period of time specified by the board.

38 (f) By assessing civil penalties, after notification and due process, in amounts

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1 established by the board which shall not exceed \$2,500 per offense or, in the case of continuing
2 offenses, \$250 for each day the violation continues, whichever is greater.

3 III. The denial, refusal to renew, suspension, revocation, or imposition of probationary
4 conditions upon a license may be ordered by the board after a hearing held in accordance with
5 RSA 328-J:18 and rules adopted by the board. An application may be made to the board for
6 reinstatement of a revoked license if the revocation has been in effect for at least 2 years after the
7 date of the board's order revoking the license.

8 328-J:20 Violations. It shall be a class A misdemeanor for any natural person or a felony for
9 any business organization to:

10 I. Present or attempt to use the license of another as one's own;

11 II. Give any false or forged evidence of any kind to the board or to any board member in
12 obtaining a license;

13 III. Falsely impersonate any other licensee of like or different name;

14 IV. Attempt to use an expired or revoked license; or

15 V. Violate any of the provisions of this chapter.

16 328-J:21 Injunctive Relief. The board is hereby authorized to apply in its own name for relief
17 by injunction to the superior court, to enforce the provisions of this chapter or to restrain any
18 violation of the provisions of this chapter. In such proceedings, it shall be unnecessary to allege or
19 to prove that either an adequate remedy at law does not exist or that substantial or irreparable
20 damage would result from any continued violation. The members of the board shall not be
21 personally liable under these proceedings.

22 328-J:22 Grandfather Provision. Persons who have been engaged in the practice of medical
23 imaging or radiation therapy, other than a radiologist assistant, who do not hold a current
24 certification and registration from a certification organization approved by the board may continue
25 to practice in the modality of medical imaging or radiation therapy in which they are currently
26 employed provided that they:

27 I. Register with the board on or before July 1, 2017.

28 II. Do not change the scope of their current practice.

29 III. Complete all continuing education requirements for their area of practice biannually as
30 prescribed by the board.

31 IV. Practice only under the supervision of a licensed practitioner, and

32 V. Obtain a license from the board on or before January 1, 2020.

33 328-J:23 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by
34 the board, where the board has found misconduct sufficient to support disciplinary action, including
35 but not limited to a violation of this chapter or an administrative rule adopted under this chapter,
36 the board may require the registrant who is the subject of such finding to pay the board a sum not
37 to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not
38 exceed \$5,000. This sum may be imposed in addition to any otherwise authorized administrative

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1 fines levied by the board as part of the penalty. The investigative and prosecution costs shall be
2 assessed by the board and any sums recovered shall be credited to the board's fund and disbursed
3 by the board for any future investigations of complaints and activities that violate this chapter or
4 rules adopted under this chapter.

5 328-J:24 Reports. Biennially, as of December 31, the office of professional licensure and
6 certification shall submit to the governor a report of the transactions of the preceding biennium,
7 and a complete statement of the receipts and expenditures of the board.

8 328-J:25 Exemptions. Nothing in this chapter shall be construed to prevent or
9 affect:

10 I. A registered dental hygienist licensed under the laws of the state of New Hampshire.

11 II. A dental assistant licensed or holding a certificate under the laws of the state of
12 New Hampshire.

13 III. A physical therapist who performs medical imaging within the scope of practice and
14 maintains a current physical therapist license to practice in New Hampshire.

15 IV. A student enrolled in and attending a school or college of medicine, dentistry,
16 osteopathy, chiropractic, podiatry, limited x-ray machine operator, medical imaging or radiation
17 therapy who performs medical imaging or radiation therapy procedures on humans while under the
18 supervision of a licensed practitioner, magnetic resonance technologist, nuclear medicine
19 technologist, radiation therapist, radiographer, radiologist assistant, or sonographer holding a
20 license under this chapter.

21 V. A person administering medical imaging or radiation procedures who is employed by the
22 United States government when performing duties associated with that employment.

23 VI. A person performing medical procedures or therapy on non-human subjects or cadavers.

24 3 Effective Date. This act shall take effect July 1, 2016.