

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 902

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

Sponsors: Representatives Insko, Lambeth, and Dobson (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Health, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

April 26, 2017

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR THE REGULATION AND LICENSING OF PERSONS WHO PERFORM AND ADMINISTER RADIOLOGIC IMAGING AND RADIATION THERAPY PROCEDURES.

The General Assembly of North Carolina enacts:

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

"Article 43.

"Radiologic Technologists and Radiation Therapists.

**"§ 90-735. Title.**

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

**"§ 90-736. Findings.**

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

**"§ 90-737. Definitions.**

The following definitions apply in this Article:

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



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

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

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

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

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

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

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

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

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

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

21 a. The North Carolina radiography equivalency examination.

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

24 c. The Dental Assisting National Board examination.

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

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

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

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

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

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

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

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

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

46 (1) Limited X-ray machine operator.

47 (2) Nuclear medicine technologist.

48 (3) Radiation therapist.

49 (4) Radiographer.

50 (5) Radiologist assistant.

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

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

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

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

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

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

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

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

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

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

33            (1) One licensed nuclear medicine technologist.

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

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

38            (4) One licensed radiation therapist.

39            (5) One licensed radiographer.

40            (6) One radiologist assistant.

41            (7) One public member.

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

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

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

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

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

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

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

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

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

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

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

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

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

33       The Board shall have the following powers and duties:

34           (1) Administer this Article.

35           (2) Issue interpretations of this Article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51          "§ 90-743. Examinations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 **"§ 90-746. License renewal.**



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

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

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

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

20 **"§ 90-747. Reciprocity.**

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

25 **"§ 90-748. Fees.**

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

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

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

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

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

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

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

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

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

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

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

21 **"§ 90-751. Injunctive relief.**

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

26 **"§ 90-752. Severability.**

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

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

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

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