WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

ENROLLED

House Bill No. 2672
(By Mr. Speaker, Mr. Kiss, and Delegates Compton, Leach, Douglas, Mezzatesta, Staton and Martin)

Passed March 12, 1999
In Effect Ninety Days from Passage
ENROLLED

H. B. 2672

(BY MR. SPEAKER, MR. KISS, AND DELEGATES
COMPTON, LEACH, DOUGLAS, MEZZATESTA,
STATON AND MARTIN)

[Passed March 12, 1999, in effect ninety days from passage.]

AN ACT to amend and reenact sections three and six, article twenty-three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to exempting certified densitometry technologists from obtaining radiologic technologist licenses; and eliminating obsolete “grandfather” provisions for licensure.

Be it enacted by the Legislature of West Virginia:

That sections three and six, article twenty-three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 23. RADIOLOGIC TECHNOLOGISTS.

§30-23-3. License required.

1 (a) No person may engage in, offer to engage in, or hold himself or herself out to the public as being engaged in, the practice of radiologic technology in this state, nor may any person use in connection with any trade, business, profession or occupation, except in those instances specifically provided in
subdivisions (1), (2), (3), (4) and (5), subsection (c), section six of this article, the word radiologic technologist or any other title, word or abbreviation which induces or tends to induce the belief that such person is qualified to engage or is engaged in the practice of radiologic technology, unless and until the person first obtains a license or temporary permit to engage in the practice of radiologic technology in accordance with the provisions of this article, which license or temporary permit remains unexpired, unsuspended and unrevoked: Provided, That no such license or temporary permit may be required for a radiologic technologist who is not a resident of this state, who is the holder of a license or certificate to engage in the practice of radiologic technology issued by a state with licensing or certification requirements determined by the board to be at least equal to those provided in this article, who has no regular place of practice in this state and who engages in the practice of radiologic technology in this state for a period of not more than ten days in any calendar year.

(b) No firm, association or corporation may, except through a licensee or licensees, render any service or engage in any activity which if rendered or engaged in by any individual would constitute the practice of radiologic technology.

§30-23-6. Qualifications of applicants; exceptions; applications; fee.

(a) To be eligible for a license to practice radiologic technology the applicant must:

(1) Be of good moral character;

(2) Have completed four years of high school education or its equivalent;

(3) Have successfully completed a minimum twenty-four-month course in radiologic study in a school of radiologic technology approved by the board;

(4) Have passed the examination prescribed by the board, which examination shall cover the basic subject matter of radiologic technology, skills and techniques; and
(5) Not have been convicted of a felony in any court in this state or any federal court in this or any other state within ten years preceding the date of application for registration, which conviction remains unreversed; and not have been convicted of a felony in any court in this state or any federal court in this or any other state at any time if the offense for which the applicant was convicted related to the practice of radiologic technology, which conviction remains unreversed.

(b) Any person who holds a license or certificate, including the American Registry of Radiologic Technologists, to practice radiologic technology issued by any other state, the requirements for which license or certificate are found by the board to be at least equal to those provided in this article, shall be eligible for a license to practice radiologic technology in this state without examination.

(c) The following persons are not required to obtain a license in accordance with the provisions of this article:

(1) A technology student enrolled in or attending an approved school of technology who as part of his or her course of study applies ionizing radiation to a human being under the supervision of a licensed practitioner;

(2) A person acting as a dental assistant who under the supervision of a licensed dentist operates only radiographic dental equipment for the sole purpose of dental radiography;

(3) A person engaged in performing the duties of a technologist in the person's employment by an agency, bureau or division of the government of the United States;

(4) Any licensed practitioner, radiologist or radiology resident; and

(5) Any person who demonstrates to the board that as of the first day of July, one thousand nine hundred ninety-nine, he or she:

(A) Has engaged in the practice of radiologic technology for the limited purpose of performing bone densitometry in this state for five or more years;
(B) Practices under the supervision of a licensed practitioner; and

(C) Has received a densitometry technologist degree certified by the international society for clinical densitometry.

(d) Any applicant for any such license shall submit an application therefor at such time (subject to the time limitation set forth in subsection (d) of this section), in such manner, on such forms and containing such information as the board may from time to time by reasonable rule and regulation prescribe, and pay to the board a license fee of thirty dollars, which fee shall be returned to the applicant if the license application is denied.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Ralph dealtman
Chairman Senate Committee

Joel R. Smith
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Charles E. Helton
Clerk of the Senate

Gregory W. Lay
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

J.D. Cline
Speaker of the House of Delegates

The within approved this the 31st day of March, 1999.

Earl Ray Tomblin
Governor