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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

House Bill No. 2599

(By Delegates Compton, Fahey, Boggs,
C. White, Fox, Marshall and Poling)



Passed April 12, 2001

In Effect from Passage

ENROLLED

H. B. 2599

(BY DELEGATES COMPTON, FAHEY, BOGGS,
C. WHITE, FOX, MARSHALL AND POLING)

[Passed April 12, 2001; in effect from passage.]

AN ACT to amend and reenact sections two, four, five, six, seven and eight of article twenty-three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section fourteen, all relating to the board of examiners of radiologic technologists; providing for annual license renewals; allowing the board to establish renewal fees; increasing the number of board members; revising the powers and duties of the board; allowing compensation of members; and continuing the board of examiners of radiologic technologists.

Be it enacted by the Legislature of West Virginia:

That sections two, four, five, six, seven and eight of article twenty-three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section fourteen, all to read as follows:

ARTICLE 23. RADIOLOGIC TECHNOLOGISTS.

§30-23-2. Definitions.

1 Unless the context in which used clearly requires a different
2 meaning, as used in this article:

3 (a) "Board" means the West Virginia radiologic technology
4 board of examiners.

5 (b) "License" means a license granted and issued by the
6 board for the practice of radiologic technology.

7 (c) "Licensed practitioner" means a person licensed to
8 practice medicine, chiropractic, podiatry, osteopathy or
9 dentistry.

10 (d) "Licensee" means any person holding a license or a
11 temporary permit issued under the provisions of this article.

12 (e) "Radiologic technologist" means a person, other than a
13 licensed practitioner who applies ionizing radiation or assists in
14 the application of ionizing radiation to human beings for
15 diagnostic or therapeutic purposes under the supervision of a
16 licensed practitioner.

17 (f) "Radiologic technology" means the application of
18 ionizing radiation or assisting in the application of ionizing
19 radiation to human beings for diagnostic or therapeutic pur-
20 poses under the supervision of a licensed practitioner.

21 (g) "Radiologist" means a licensed practitioner who
22 specializes in the use of ionizing radiation for the diagnosis or
23 treatment of disease.

24 (h) "Radiology resident" means a licensed practitioner who
25 is in training to become a radiologist and who uses ionizing
26 radiation in the diagnosis or treatment of disease, under the
27 supervision of a radiologist.

28 (i) "Supervision" means responsibility for and control of
29 quality, radiation safety and technical aspects in the application
30 of ionizing radiation of human beings for diagnostic or thera-
31 peutic purposes.

32 (j) "Technology" hereinafter relates to radiologic technol-
33 ogy.

§30-23-4. Creation of board of examiners of radiologic technologists; members; appointment by governor; qualifications; terms; vacancies; officers; oath; compensation; general provisions.

1 There is hereby created a West Virginia radiologic technol-
2 ogy board of examiners, hereinafter called the board. The
3 governor shall appoint the members of such board, by and with
4 the advice and consent of the Senate. The board shall consist of
5 nine members, composed of one member from the division of
6 radiologic health of the West Virginia state department of
7 health, two lay members, three licensed practitioners, two of
8 whom shall be radiologists, and three radiologic technologists
9 who are licensed hereunder.

10 Each member shall be appointed for a term of three years
11 and shall serve until a successor has been appointed and has
12 qualified. The terms shall be staggered in accordance with the
13 initial appointments under prior enactments of this article. All
14 members of the board shall be residents of West Virginia. A
15 member may succeed himself. Vacancies shall be filled by
16 appointment by the governor for the unexpired term. Before
17 entering upon the performance of his duties, each member shall
18 take and subscribe to the oath required by section five, article
19 four of the constitution of this state.

20 The board shall elect from its membership a chairman and
21 secretary who shall serve at the will and pleasure of the board.
22 A majority of the members of the board constitutes a quorum,

23 and meetings shall be held at the call of the chairman or upon
24 the written request of four members at such time and place as
25 designated in such call or request, and, in any event, the board
26 shall meet at least twice annually to conduct business as may
27 come before it. The board shall hold its first meeting within
28 thirty days after the appointment of the members. The members
29 of the board shall receive the same compensation and expense
30 reimbursement for their services as is paid to members of the
31 Legislature for interim duties as recommended by the citizens
32 legislative compensation commission and authorized by law for
33 each day or portion thereof engaged in the discharge of official
34 duties. Any member may be removed by the governor in case
35 of incompetency, neglect of duty, gross immorality or malfea-
36 sance in office.

§30-23-5. Board of examiners; powers and duties; funds of board.

1 (a) The board shall:

2 (1) Propose legislative rules implementing the provisions
3 of this article and the powers and duties conferred upon the
4 board in accordance with the provisions of article three, chapter
5 twenty-nine-a of this code;

6 (2) Determine applicants eligibility for a license or tempo-
7 rary permit to practice radiologic technology;

8 (3) Issue, renew, deny, suspend or revoke licenses and
9 temporary permits to engage in the practice of radiologic
10 technology in accordance with the provisions of this article and,
11 in accordance with the administrative procedures hereinafter
12 provided, review, affirm, reverse, vacate or modify its order
13 with respect to any such denial, suspension or revocation;

14 (4) Investigate alleged violations of provisions of this
15 article, reasonable rules and regulations promulgated hereunder
16 and orders and final decisions of the board and take appropriate

17 disciplinary action against any licensee for the violation thereof
18 or institute appropriate legal action for the enforcement of the
19 provisions of this article, rules and regulations promulgated
20 hereunder and orders and final decisions of the board;

21 (5) Employ, direct, discharge and define the duties of full
22 or part-time professional, clerical or other personnel necessary
23 to effectuate the provisions of this article;

24 (6) Keep accurate and complete records of its proceedings,
25 certify the same as may be appropriate, and prepare, from time
26 to time, a list showing the names and addresses of all licensees;

27 (7) Provide standards for approved schools of technology,
28 procedures for obtaining and maintaining approval, and
29 procedures of revocation of approval where standards are not
30 maintained: *Provided*, That such standards for approved schools
31 meet at least the minimal requirements of the American society
32 of radiologic technologists;

33 (8) Whenever it deems it appropriate, confer with the
34 attorney general or his assistants in connection with all legal
35 matters and questions; and

36 (9) Take such other action as may be reasonably necessary
37 or appropriate to effectuate the provisions of this article.

38 (b) All moneys paid to the board shall be accepted by a
39 person designated by the board and deposited by him with the
40 treasurer of the state and credited to an account to be known as
41 the "board of examiners of radiologic technologist fund." The
42 reimbursement of all reasonable and necessary expenses
43 actually incurred by members of the board and all other costs
44 and expenses incurred by the board in the administration of this
45 article shall be paid from such fund, and no part of the state's
46 general revenue fund shall be expended for this purpose.

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

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

3 (1) Be of good moral character;

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

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

9 (4) Have passed the examination prescribed by the board,
10 which examination shall cover the basic subject matter of
11 radiologic technology, skills and techniques; and

12 (5) Not have been convicted of a felony in any court in this
13 state or any federal court in this or any other state within ten
14 years preceding the date of application for registration, which
15 conviction remains unreversed; and not have been convicted of
16 a felony in any court in this state or any federal court in this or
17 any other state at any time if the offense for which the applicant
18 was convicted related to the practice of radiologic technology,
19 which conviction remains unreversed.

20 (b) Any person who holds a license or certificate, including
21 the American registry of radiologic technologists, to practice
22 radiologic technology issued by any other state, the require-
23 ments for which license or certificate are found by the board to
24 be at least equal to those provided in this article, shall be
25 eligible for a license to practice radiologic technology in this
26 state without examination.

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

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

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

36 (3) A person engaged in performing the duties of a technol-
37 ogist in the person's employment by an agency, bureau or
38 division of the government of the United States;

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

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

44 (A) Has engaged in the practice of radiologic technology
45 for the limited purpose of performing bone densitometry in this
46 state for five or more years;

47 (B) Practices under the supervision of a licensed practitio-
48 ner; and

49 (C) Has received a densitometry technologist degree
50 certified by the International Society for Clinical Densitometry.

51 (d) Any applicant for any such license shall submit an
52 application therefor at such time (subject to the time limitation
53 set forth in subsection (d) of this section), in such manner, on
54 such forms and containing such information as the board may
55 from time to time by legislative rule prescribe, and pay to the
56 board a license fee, which fee shall be returned to the applicant
57 if the license application is denied.

§30-23-7. Issuance of license; renewal of license; renewal fee.

1 Whenever the board finds that an applicant meets all the
2 requirements of this article for a license to engage in the
3 practice of radiologic technology, it shall forthwith issue to him
4 such license; and otherwise the board shall deny the same. The
5 license is valid for a period of one year from the date issued and
6 shall be renewed every year without examination upon applica-
7 tion for renewal on a form prescribed by the board and payment
8 to the board of a renewal fee established by legislative rule:
9 *Provided*, That the board may deny an application for renewal
10 for any reason which would justify the denial of an original
11 application for a license.

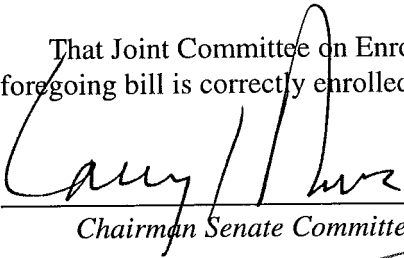
§30-23-8. Temporary permits.

1 Upon proper application the board may issue a temporary
2 permit to engage in the practice of radiologic technology in this
3 state to an applicant who meets the qualifications of subdivi-
4 sions (1), (2), (3) and (5), subsection (a), section six of this
5 article, pending examination of such applicant. Temporary
6 permits will expire as provided by legislative rule.

§30-23-14. Termination of Board.

1 The board of examiners of radiologic technologists shall be
2 terminated pursuant to the provisions of article ten, chapter four
3 of this code, on the first day of July, two thousand ten, unless
4 sooner terminated, continued or reestablished pursuant to the
5 provisions of such article.

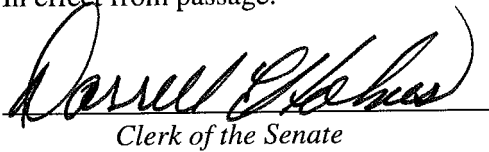
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

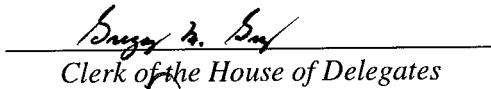

Chairman Senate Committee

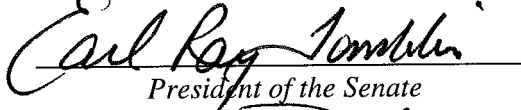

Chairman House Committee


Originating in the House.

In effect from passage.

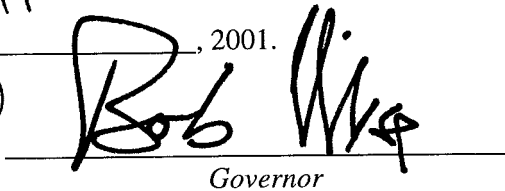

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 2nd
day of May, 2001.


Governor

PRESENTED TO THE
GOVERNOR

Date 4/21/01
Time 2:00 PM