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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002

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**ENROLLED**

**House Bill No. 4346**

(By Delegates Compton, Hatfield and Brown)

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Passed March 8, 2002

In Effect Ninety Days from Passage

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OFFICE WEST VIRGINIA  
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**E N R O L L E D**

**H. B. 4346**

(BY DELEGATES COMPTON, HATFIELD AND BROWN)

[Passed March 8, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact sections five and six, article twenty-three, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the board of examiners for radiologic technologists; changing the qualifications for applicants; and revising the name of the national organization issuing requirements for approval standards.

*Be it enacted by the Legislature of West Virginia:*

That sections five 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 to read as follows:

**ARTICLE 23. RADIOLOGIC TECHNOLOGISTS.**

**§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  
7 temporary 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 denial, suspension or revocation;

14 (4) Investigate alleged violations of provisions of this  
15 article, rules promulgated hereunder and orders and final  
16 decisions of the board and take appropriate disciplinary action  
17 against any licensee for the violation thereof or institute  
18 appropriate legal action for the enforcement of the provisions  
19 of this article, rules promulgated hereunder and orders and final  
20 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 records as may be appropriate, and prepare, from  
26 time to time, a list showing the names and addresses of all  
27 licensees;

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

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

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

39 (b) All moneys paid to the board must be accepted by a  
40 person designated by the board and deposited by him or her  
41 with the treasurer of the state and credited to an account to be  
42 known as the "board of examiners of radiologic technologist  
43 fund." The reimbursement of all reasonable and necessary  
44 expenses actually incurred by members of the board and all  
45 other costs and expenses incurred by the board in the adminis-  
46 tration of this article must be paid from the fund, and no part of  
47 the state's general revenue fund may be expended for this  
48 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 an eighteen-month course  
7 in radiologic study in a school of radiologic technology  
8 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:

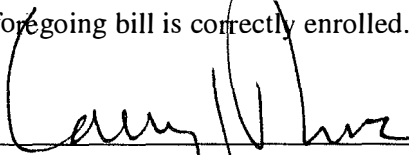
44 (A) Has engaged in the practice of radiologic technology  
45 for the limited purpose of performing bone densitometry in this  
46 state for five or more years;

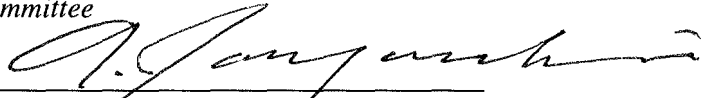
47 (B) Practices under the supervision of a licensed practitio-  
48 ner; and

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

51 (d) Any person seeking a license shall submit an application  
52 therefor at such time, in such manner, on such forms and  
53 containing such information as the board may from time to time  
54 by legislative rule prescribe, and shall pay to the board a license  
55 fee, which fee shall be returned to the applicant if the license  
56 application is denied.

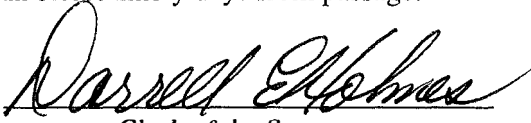
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

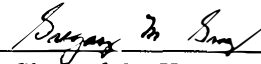
  
Chairman Senate Committee

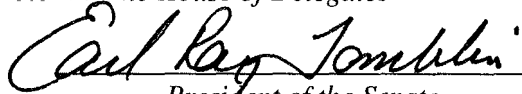
  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

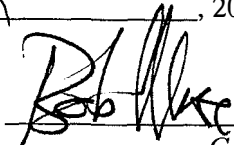
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 20<sup>th</sup> day of March, 2002.

  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/14/02

Time 9:09 am