WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

---•---

ENROLLED

House Bill No. 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 of this article and the powers and duties conferred upon the
board in accordance with the provisions of article three, chapter twenty-nine-a of this code;

(2) Determine applicants' eligibility for a license or temporary permit to practice radiologic technology;

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

(4) Investigate alleged violations of provisions of this article, rules promulgated hereunder and orders and final decisions of the board and take appropriate disciplinary action against any licensee for the violation thereof or institute appropriate legal action for the enforcement of the provisions of this article, rules promulgated hereunder and orders and final decisions of the board;

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

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

(7) Provide standards for approved schools, of technology, procedures for obtaining and maintaining approval, and procedures of revocation of approval where standards are not maintained: Provided, That the standards for approved schools meet at least the minimal requirements of the American registry of radiologic technologists;
(8) Whenever appropriate, confer with the attorney general or his or her assistants in connection with all legal matters and questions; and

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

(b) All moneys paid to the board must be accepted by a person designated by the board and deposited by him or her with the treasurer of the state and credited to an account to be known as the “board of examiners of radiologic technologist fund.” The reimbursement of all reasonable and necessary expenses actually incurred by members of the board and all other costs and expenses incurred by the board in the administration of this article must be paid from the fund, and no part of the state’s general revenue fund may be expended for this purpose.

§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 an eighteen-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 person seeking a license shall submit an application therefor at such time, in such manner, on such forms and containing such information as the board may from time to time by legislative rule prescribe, and shall pay to the board a license fee, 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.

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 was approved this the 20th day of March, 2002.

Governor