

HB 4138

2010 MAR 29 PM 3:09

OFFICE OF THE CLERK  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2010



# ENROLLED

## House Bill No. 4138

(By Delegates Morgan, Stephens, Swartzmiller,  
Hartman, Staggers, D. Poling, Givens, Martin,  
C. Miller, Porter and Rowan)



Passed March 12, 2010

In Effect From Passage

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## H. B. 4138

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(BY DELEGATES MORGAN, STEPHENS, SWARTZMILLER,  
HARTMAN, STAGGERS, D. POLING, GIVENS, MARTIN,  
C. MILLER, PORTER AND ROWAN)

[Passed March 12, 2010; in effect from passage.]

AN ACT to amend and reenact §30-23-6, of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the Medical Imaging and Radiation Therapy Technology Board of Examiners to work with the Board of Medicine regarding the regulation of the practice of Radiologist Assistants.

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

That §30-23-6, of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 23. RADIOLOGIC TECHNOLOGISTS.**

#### **§30-23-6. Powers and duties of the board.**

1 (a) The board has all the powers and duties set forth in  
2 this article, by rule, in article one of this chapter, and  
3 elsewhere in law.

4 (b) The board shall:

5 (1) Hold meetings, conduct hearings and administer  
6 examinations;

7 (2) Establish requirements for a license, apprentice  
8 license and permit;

9 (3) Establish procedures for submitting, approving and  
10 rejecting applications for a license, apprentice license and  
11 permit;

12 (4) Determine the qualifications of any applicant for a  
13 license, permit, certificate and registration;

14 (5) Provide standards for approved schools of Medical  
15 Imaging and Radiation Therapy Technology, procedures for  
16 obtaining and maintaining approval, and procedures of  
17 revocation of approval where standards are not maintained:  
18 *Provided*, That the standards for approved schools meet at  
19 least the minimal requirements of the American Registry of  
20 Radiologic Technologist JRCERT, JRCNMT or standards  
21 determined programmatically equivalent by the board;

22 (6) Work with the West Virginia Board of Medicine to  
23 determine the scope of practice, the required education and  
24 training, and the type of regulations necessary for Radiologist  
25 Assistants;

26 (7) Prepare, conduct, administer and grade written, oral  
27 or written and oral examinations for a license, certificate and  
28 registration;

29 (8) Determine the passing grade for the examinations;

30 (9) Maintain records of the examinations the board or a  
31 third party administers, including the number of persons  
32 taking the examination and the pass and fail rate;

33 (10) Maintain an office, and hire, discharge, establish the  
34 job requirements and fix the compensation of employees and  
35 contract with persons necessary to enforce the provisions of  
36 this article;

37 (11) Investigate alleged violations of the provisions of  
38 this article, legislative rules, orders and final decisions of the  
39 board;

40 (12) Conduct disciplinary hearings of persons regulated  
41 by the board;

42 (13) Determine disciplinary action and issue orders;

43 (14) Institute appropriate legal action for the enforcement  
44 of the provisions of this article;

45 (15) Maintain an accurate registry of names and  
46 addresses of all persons regulated by the board;

47 (16) Keep accurate and complete records of its  
48 proceedings, and certify the same as may be necessary and  
49 appropriate;

50 (17) Establish, by legislative rule, the continuing  
51 education requirements for licensees, permittees, certificate  
52 holders and registrants; and

53 (18) Propose rules in accordance with the provisions of  
54 article three, chapter twenty-nine-a of this code to implement  
55 the provisions of this article.

56 (c) The board may:

57 (1) Contract with third parties to administer the  
58 examinations required under the provisions of this article;

59       (2) Define, by legislative rule, the fees charged under the  
60 provisions of this article;

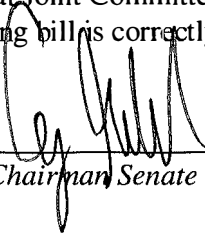
61       (3) Issue, renew, deny, suspend, revoke or reinstate a  
62 license, permit, certificate and registration;

63       (4) Sue and be sued in its official name as an agency of  
64 this state;

65       (5) Confer with the Attorney General or his or her  
66 assistant in connection with legal matters and questions; and

67       (6) Take all other actions necessary and proper to  
68 effectuate the purposes of this article.

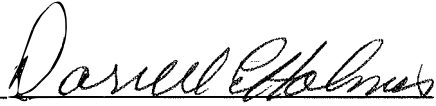
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
\_\_\_\_\_  
Chairman Senate Committee

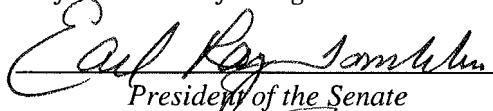
  
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Chairman House Committee

Originating in the House.

In effect from passage.

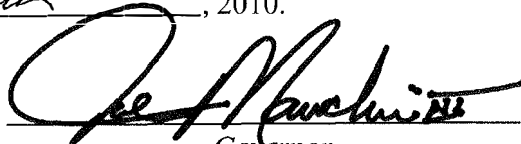
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 28th  
day of March, 2010.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 26 2010

Time 1:40 pm