

REFERENCE TITLE: radiation regulatory boards; repeal; DHS

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2257

Introduced by
Representative Carter

AN ACT

AMENDING SECTION 30-651, ARIZONA REVISED STATUTES; REPEALING SECTION 30-653, ARIZONA REVISED STATUTES; AMENDING SECTION 30-654, ARIZONA REVISED STATUTES; REPEALING SECTIONS 30-655 AND 30-658, ARIZONA REVISED STATUTES; AMENDING SECTIONS 30-671, 30-672, 30-672.01 AND 30-681, ARIZONA REVISED STATUTES; REPEALING SECTIONS 30-682, 30-685, 30-686, 30-687 AND 30-688, ARIZONA REVISED STATUTES; AMENDING TITLE 30, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 30-686, 30-687 AND 30-688; AMENDING SECTIONS 31-241, 32-2801, 32-2802, 32-2803 AND 32-2804, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 28, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2805; AMENDING SECTIONS 32-2812, 32-2813, 32-2814, 32-2815, 32-2816, 32-2818, 32-2819 AND 32-2821, ARIZONA REVISED STATUTES; REPEALING SECTION 32-2823, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-2824, 32-2825, 32-2841 AND 36-414, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-3018.04 AND 41-3018.23, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO THE RADIATION REGULATORY BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 30-651, Arizona Revised Statutes, is amended to
3 read:

4 30-651. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Atomic energy" means all forms of energy released in the course
7 of nuclear transformations, nuclear fission and nuclear fusion.

8 ~~2. "Board" means the radiation regulatory hearing board.~~

9 ~~3.~~ 2. "By-product material" means any radioactive material, except
10 special nuclear material, yielded in or made radioactive by exposure to
11 the radiation incident to the process of producing or utilizing special
12 nuclear material and the tailings or wastes produced by the extraction or
13 concentration of uranium ore thorium from any ore processed primarily for
14 its source material content.

15 ~~4.~~ 3. "Department" means the department of health services.

16 ~~5.~~ 4. "Diagnostic mammography" means an x-ray imaging of the
17 breast performed on persons who have symptoms or physical signs indicative
18 of breast disease.

19 ~~6.~~ 5. "Director" means the director of the department.

20 ~~7.~~ 6. "Electronic product" means:

21 (a) Any machine or device designed to produce a beam of ionizing
22 radiation as the result of the operation of an electronic circuit or
23 component.

24 (b) Class IIIb and IV lasers, as classified by the United States
25 food and drug administration.

26 (c) Radio frequency heaters, dryers and sealers.

27 (d) Any device employing a source of radio frequency
28 electromagnetic radiation within a protective enclosure and used for
29 heating or curing materials in industrial or manufacturing applications
30 and in restaurants or food vending establishments. This subdivision does
31 not include microwave ovens manufactured as consumer products and used for
32 home food preparation.

33 (e) Microwave and shortwave diathermy.

34 (f) Mercury vapor, metal halide and high-pressure sodium lamps used
35 for commercial lighting and industrial manufacturing processes or sunlamps
36 used in commercial establishments for the intentional irradiation of
37 humans.

38 (g) Therapeutic ultrasound devices.

39 (h) Industrial ultrasonic welders and sealers.

40 ~~8.~~ 7. "Electronic product radiation" means:

41 (a) Any ionizing or nonionizing electromagnetic or particulate
42 radiation that is emitted from an electronic product.

43 (b) Any sonic, infrasonic or ultrasonic wave that is emitted from
44 an electronic product as the result of the operation of an electronic
45 circuit in the product.

1 ~~9.~~ 8. "Ionizing radiation" means gamma rays and x-rays, alpha and
2 beta particles, high speed electrons, neutrons, protons and other nuclear
3 particles or rays.

4 ~~10.~~ 9. "Operation" means adjustments or procedures by the user
5 required for the equipment to perform its intended functions.

6 ~~11.~~ 10. "Person" means any individual, corporation, partnership,
7 firm, association, trust, estate, public or private institution, group,
8 agency or political subdivision of this state, or any other state or
9 political subdivision or agency of such state, and any legal successor,
10 representative, agent, or agency of the foregoing, other than the United
11 States nuclear regulatory commission or any successor, and other than
12 federal government agencies and any other entities licensed by the United
13 States nuclear regulatory commission or any successor.

14 ~~12.~~ 11. "Radiation" means:

15 (a) Ionizing radiation, including gamma rays, x-rays, alpha and
16 beta particles, high speed electrons, neutrons, protons and other nuclear
17 particles or rays.

18 (b) Any electromagnetic radiation that may be produced by the
19 operation of an electronic product.

20 (c) Any sonic, ultrasonic or infrasonic wave that may be produced
21 by the operation of an electronic product.

22 ~~13.~~ 12. "Radiation machine" means any manufactured devices or
23 products producing any of the following:

24 (a) X-rays for medical, industrial, research and development or
25 educational purposes.

26 (b) Electromagnetic radiation from an electronic product.

27 (c) Laser devices classified as class IIb or IV by the United
28 States food and drug administration.

29 (d) Diathermy machines.

30 ~~14.~~ 13. "Radioactive material" means any material or materials,
31 solid, liquid or gaseous, that emit radiation spontaneously.

32 ~~15.~~ 14. "Screening mammography" means x-ray imaging of the breast
33 of asymptomatic persons.

34 ~~16.~~ 15. "Service" means major adjustments or repairs, usually
35 requiring specialized training or tools, or both.

36 ~~17.~~ 16. "Source material" means:

37 (a) Uranium, thorium or any other material that the governor
38 declares by order to be source material after the United States nuclear
39 regulatory commission or any successor has determined the material to be
40 source material.

41 (b) Ores containing one or more of the materials, as provided in
42 subdivision (a) of this paragraph, in such a concentration as the governor
43 declares by order to be source material after the United States nuclear
44 regulatory commission or any successor has determined the material in such
45 a concentration to be source material.

1 ~~18.~~ 17. "Sources of radiation" means radioactive materials,
2 radiation machines and electronic products.

3 ~~19.~~ 18. "Special nuclear material" means:

4 (a) Plutonium, uranium 233, uranium enriched in the isotope 233 or
5 in the isotope 235 and any other material that the governor declares by
6 order to be special nuclear material after the United States nuclear
7 regulatory commission or any successor has determined the material to be
8 special nuclear material, but does not include source material.

9 (b) Any material artificially enriched by any of the material
10 provided in subdivision (a) of this paragraph, but does not include source
11 material.

12 Sec. 2. Repeal

13 Section 30-653, Arizona Revised Statutes, is repealed.

14 Sec. 3. Section 30-654, Arizona Revised Statutes, is amended to
15 read:

16 30-654. Powers and duties of the department

17 A. The department may:

18 1. Accept grants or other contributions from the federal government
19 or other sources, public or private, to be used by the department to carry
20 out any of the purposes of this chapter.

21 2. Do all things necessary, within the limitations of this chapter,
22 to carry out the powers and duties of the department.

23 3. Conduct an information program, including:

24 (a) Providing information on the control and regulation of sources
25 of radiation and related health and safety matters, on request, to members
26 of the legislature, the executive offices, state departments and agencies
27 and county and municipal governments.

28 (b) Providing such published information, audiovisual
29 presentations, exhibits and speakers on the control and regulation of
30 sources of radiation and related health and safety matters to the state's
31 educational system at all educational levels as may be arranged.

32 (c) Furnishing to citizen groups, on request, speakers and such
33 audiovisual presentations or published materials on the control and
34 regulation of sources of radiation and related health and safety matters
35 as may be available.

36 (d) Conducting, sponsoring or cosponsoring and actively
37 participating in the professional meetings, symposia, workshops, forums
38 and other group informational activities concerned with the control and
39 regulation of sources of radiation and related health and safety matters
40 when representation from this state at such meetings is determined to be
41 important by the department.

42 B. The department shall:

43 1. Regulate the use, storage and disposal of sources of radiation.

- 1 2. Establish procedures for purposes of selecting any proposed
2 permanent disposal site located within this state for low-level
3 radioactive waste.
- 4 3. Coordinate with the department of transportation and the
5 corporation commission in regulating the transportation of sources of
6 radiation.
- 7 4. Assume primary responsibility for and provide necessary
8 technical assistance to handle any incidents, accidents and emergencies
9 involving radiation or sources of radiation occurring within this state.
- 10 5. Adopt rules deemed necessary to administer this chapter in
11 accordance with title 41, chapter 6.
- 12 6. Adopt uniform radiation protection and radiation dose standards
13 to be as nearly as possible in conformity with, and in no case
14 inconsistent with, the standards contained in the regulations of the
15 United States nuclear regulatory commission and the standards of the
16 United States public health service. In the adoption of the standards,
17 the department shall consider the total occupational radiation exposure of
18 individuals, including that from sources that are not regulated by the
19 department.
- 20 7. Adopt rules for personnel monitoring under the close supervision
21 of technically competent people in order to determine compliance with
22 safety rules adopted under this chapter.
- 23 8. Adopt a uniform system of labels, signs and symbols and the
24 posting of the labels, signs and symbols to be affixed to radioactive
25 products, especially those transferred from person to person.
- 26 9. By rule, require adequate training and experience of persons
27 utilizing sources of radiation with respect to the hazards of excessive
28 exposure to radiation in order to protect health and safety.
- 29 10. Adopt standards for the storage of radioactive material and for
30 security against unauthorized removal.
- 31 11. Adopt standards for the disposal of radioactive materials into
32 the air, water and sewers and burial in the soil in accordance with 10
33 Code of Federal Regulations part 20.
- 34 12. Adopt rules that are applicable to the shipment of radioactive
35 materials in conformity with and compatible with those established by the
36 United States nuclear regulatory commission, the department of
37 transportation, the United States treasury department and the United
38 States postal service.
- 39 13. In individual cases, impose additional requirements to protect
40 health and safety or grant necessary exemptions that will not jeopardize
41 health or safety, or both.
- 42 14. Make recommendations to the governor and furnish such technical
43 advice as required on matters relating to the utilization and regulation
44 of sources of radiation.

1 15. Conduct or cause to be conducted off-site radiological
2 environmental monitoring of the air, water and soil surrounding any fixed
3 nuclear facility, any uranium milling and tailing site and any uranium
4 leaching operation, and maintain and report the data or results obtained
5 by the monitoring as deemed appropriate by the department.

6 16. Develop and utilize information resources concerning radiation
7 and radioactive sources.

8 17. Prescribe by rule a schedule of fees to be charged to
9 categories of licensees and registrants of radiation sources, including
10 academic, medical, industrial, waste, distribution and imaging categories.
11 The fees shall cover a significant portion of the reasonable costs
12 associated with processing the application for license or registration,
13 renewal or amendment of the license or registration and the costs of
14 inspecting the licensee or registrant activities and facilities, including
15 the cost to the department of employing clerical help, consultants and
16 persons possessing technical expertise and using analytical
17 instrumentation and information processing systems.

18 18. Adopt rules establishing radiological standards, personnel
19 standards and quality assurance programs to ensure the accuracy and safety
20 of screening and diagnostic mammography.

21 C. ~~ATT~~ THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146
22 AND 35-147, NINETY PERCENT OF THE fees collected ~~under~~ PURSUANT TO
23 subsection B, paragraph 17 of this section ~~shall be deposited, pursuant to~~
24 ~~sections 35-146 and 35-147,~~ IN THE HEALTH SERVICES LICENSING FUND
25 ESTABLISHED BY SECTION 36-414 AND TEN PERCENT OF THE FEES COLLECTED
26 PURSUANT TO SUBSECTION B, PARAGRAPH 17 OF THIS SECTION in the state
27 general fund.

28 Sec. 4. Repeal; transfer of monies

29 A. Section 30-655, Arizona Revised Statutes, is repealed.

30 B. Section 30-658, Arizona Revised Statutes, is repealed.

31 C. All unexpended and unencumbered monies remaining in the
32 radiation regulatory fee fund established by section 30-658, Arizona
33 Revised Statutes, as repealed by subsection B of this section, are
34 transferred to the health services licensing fund established by section
35 36-414, Arizona Revised Statutes, on the effective date of this section.

36 Sec. 5. Section 30-671, Arizona Revised Statutes, is amended to
37 read:

38 30-671. Radiation protection standards

39 A. Radiation protection standards in rules adopted by the
40 department under this chapter do not limit the kind or amount of radiation
41 that may be intentionally applied to a person or animal for diagnostic or
42 therapeutic purposes by or under the direction of a licensed practitioner
43 of the healing arts.

1 B. Radiation sources shall be registered, licensed or exempted at
2 the discretion of the department ~~and shall be available for inspection as~~
3 ~~specified in this chapter or rules adopted under this chapter.~~

4 Sec. 6. Section 30-672, Arizona Revised Statutes, is amended to
5 read:

6 30-672. Licensing and registration of sources of radiation;
7 exemptions

8 A. The ~~agency~~ DEPARTMENT by rule shall provide for general or
9 specific licensing of by-product, source, special nuclear materials or
10 devices or equipment ~~utilizing such~~ USING THOSE materials. ~~The rules~~
11 ~~shall provide for amendment, suspension or revocation of the licenses.~~
12 The ~~agency~~ DEPARTMENT shall require from the applicant satisfactory
13 evidence that the applicant is using methods and techniques that are
14 demonstrated to be safe and that the applicant is familiar with the rules
15 adopted by the ~~agency~~ DEPARTMENT under section 30-654, subsection B,
16 paragraph 5 relative to uniform radiation standards, total occupational
17 radiation exposure norms, labels, signs and symbols, storage, waste
18 disposal and shipment of radioactive materials. The ~~agency~~ DEPARTMENT may
19 require that, before ~~the agency~~ IT issues a license, the employees or
20 other personnel of an applicant who may deal with sources of radiation
21 receive a course of instruction approved by the ~~agency~~ DEPARTMENT
22 concerning ~~agency~~ DEPARTMENT rules. The ~~agency~~ DEPARTMENT shall require
23 that the applicant's proposed equipment and facilities be adequate to
24 protect health and safety and that the applicant's proposed administrative
25 controls over the use of the sources of radiation requested be adequate to
26 protect health and safety.

27 B. The ~~agency~~ DEPARTMENT may require registration or licensing of
28 other sources of radiation if ~~it has been determined~~ DEEMED necessary to
29 protect public health or safety.

30 C. The ~~agency~~ DEPARTMENT may exempt certain sources of radiation or
31 kinds of uses or users from the licensing or registration requirements set
32 forth in this section ~~when~~ IF it finds that ~~the exemption of~~ EXEMPTING
33 such sources of radiation or kinds of uses or users will not constitute a
34 significant risk to the health and safety of the public.

35 D. THE DIRECTOR MAY SUSPEND OR REVOKE, IN WHOLE OR IN PART, ANY
36 LICENSE ISSUED UNDER SUBSECTION A OF THIS SECTION IF THE LICENSEE OR AN
37 OFFICER, AGENT OR EMPLOYEE OF THE LICENSEE:

38 1. VIOLATES THIS CHAPTER OR RULES OF THE DEPARTMENT ADOPTED
39 PURSUANT TO THIS CHAPTER.

40 2. HAS BEEN, IS OR MAY CONTINUE TO BE IN SUBSTANTIAL VIOLATION OF
41 THE REQUIREMENTS FOR LICENSURE OF THE RADIATION SOURCE AND AS A RESULT THE
42 HEALTH OR SAFETY OF THE GENERAL PUBLIC IS IN IMMEDIATE DANGER.

43 E. IF THE LICENSEE, OR AN OFFICER, AGENT OR EMPLOYEE OF THE
44 LICENSEE, REFUSES TO ALLOW THE DEPARTMENT OR ITS EMPLOYEES OR AGENTS TO
45 INSPECT THE LICENSEE'S PREMISES, SUCH AN ACTION SHALL BE DEEMED REASONABLE

1 CAUSE TO BELIEVE THAT A SUBSTANTIAL VIOLATION UNDER SUBSECTION D,
2 PARAGRAPH 2 OF THIS SECTION EXISTS.

3 F. A LICENSE MAY NOT BE SUSPENDED OR REVOKED UNDER THIS CHAPTER
4 WITHOUT AFFORDING THE LICENSEE NOTICE AND AN OPPORTUNITY FOR A HEARING AS
5 PROVIDED IN TITLE 41, CHAPTER 6, ARTICLE 10.

6 ~~F.~~ G. The ~~agency~~ DEPARTMENT shall not require persons WHO ARE
7 licensed in this state to practice as a dentist, physician assistant,
8 chiropodist or veterinarian or licensed in this state to practice
9 medicine, surgery, ~~osteopathy~~ OSTEOPATHIC MEDICINE, chiropractic or
10 naturopathic medicine to obtain any other license ~~for the~~ TO use ~~of~~ a
11 diagnostic x-ray machine, but these persons are governed by their own
12 licensing acts.

13 ~~F.~~ H. Persons WHO ARE licensed by the federal communications
14 commission with respect to the activities for which they are licensed by
15 that commission are ~~exempted~~ EXEMPT from this chapter.

16 ~~F.~~ I. Rules adopted pursuant to this chapter may provide for
17 recognition of other state or federal licenses as the ~~agency~~ DEPARTMENT
18 deems desirable, subject to such registration requirements as the ~~agency~~
19 DEPARTMENT prescribes.

20 ~~F.~~ J. Any licenses issued by the ~~agency~~ DEPARTMENT shall state the
21 nature, use and extent of use of the source of radiation. If at any time
22 ~~subsequent to the issuance of~~ AFTER a license IS ISSUED the licensee
23 desires any change in the nature, use or extent, the licensee shall seek
24 an amendment or a new license under this section.

25 ~~H.~~ K. The ~~agency~~ DEPARTMENT shall prescribe by rule requirements
26 for financial security as a condition for licensure under this
27 article. The ~~agency~~ DEPARTMENT shall deposit all amounts posted, paid or
28 forfeited as financial security ~~into~~ IN the radiation regulatory and
29 perpetual care fund ~~under~~ ESTABLISHED BY section 30-694.

30 ~~F.~~ L. Persons applying for licensure shall provide notice to the
31 city or town where the applicant proposes to operate as part of the
32 application process.

33 ~~F.~~ M. Any facility that provides diagnostic or screening
34 mammography examinations by or under the direction of a person ~~exempted~~
35 WHO IS EXEMPT from further licensure under subsection ~~F.~~ G of this section
36 shall obtain certification by the ~~agency~~ DEPARTMENT. The ~~agency~~
37 DEPARTMENT shall prescribe by rule the requirements of certification in
38 order to ensure the accuracy and safety of diagnostic and screening
39 mammography.

1 Sec. 7. Section 30-672.01, Arizona Revised Statutes, is amended to
2 read:

3 30-672.01. Registration of persons who install or service
4 radiation machines; exception; roster of
5 registrants

6 A. A person who is in the business of installing or servicing
7 radiation machines ~~which are defined in section 30-651 and which~~ THAT are
8 required to be registered by the ~~agency~~ DEPARTMENT shall register with the
9 ~~agency~~ DEPARTMENT on a form provided by the ~~agency~~ DEPARTMENT.

10 B. Notwithstanding subsection A OF THIS SECTION, a person who is
11 subject to the jurisdiction of the ~~medical radiologic technology board of~~
12 ~~examiners~~ DEPARTMENT and ~~is engaged in operation of~~ WHO OPERATES a
13 radiation machine ~~shall~~ IS not ~~be~~ required to register with the ~~agency~~
14 DEPARTMENT.

15 C. The registration form required pursuant to subsection A OF THIS
16 SECTION shall be limited to the following information:

- 17 1. The full business name of the registrant.
- 18 2. The names of the owners if the registrant is a corporation or
19 partnership.
- 20 3. The names of employees who carry out installation or service
21 work for the registrant.
- 22 4. The business address of the registrant.

23 D. The ~~agency~~ DEPARTMENT shall maintain a roster of all
24 registrants, including the date of initial registration. The roster shall
25 be available for public inspection.

26 E. A registrant must reregister with the ~~agency whenever~~ DEPARTMENT
27 IF there is a change in the information provided under subsection C OF
28 THIS SECTION.

29 Sec. 8. Section 30-681, Arizona Revised Statutes, is amended to
30 read:

31 30-681. Inspections

32 A. The department or its duly authorized representatives may enter
33 at all reasonable times on any private or public property for the purpose
34 of determining whether there is compliance with or a violation of this
35 chapter and rules adopted under this chapter, except that entry into areas
36 under the jurisdiction of the federal government shall be effected only
37 with the concurrence of the federal government or its duly designated
38 representative.

39 B. IF THE DIRECTOR DETERMINES THAT THERE IS REASONABLE CAUSE TO
40 BELIEVE THAT A RADIATION SOURCE IS NOT IN COMPLIANCE WITH THE LICENSING
41 REQUIREMENTS OF THIS CHAPTER, THE DIRECTOR OR THE DIRECTOR'S DESIGNEE OR
42 AGENT MAY ENTER ON AND INTO THE PREMISES OF ANY RADIATION SOURCE THAT IS
43 LICENSED OR REQUIRED TO BE LICENSED PURSUANT TO THIS CHAPTER AT ANY
44 REASONABLE TIME TO DETERMINE COMPLIANCE WITH THIS CHAPTER AND RULES
45 ADOPTED PURSUANT TO THIS CHAPTER. AN APPLICATION FOR LICENSURE UNDER THIS

1 CHAPTER CONSTITUTES PERMISSION FOR AND COMPLETE ACQUIESCENCE IN ANY ENTRY
2 OR INSPECTION OF THE PREMISES DURING THE PENDENCY OF THE APPLICATION AND,
3 IF LICENSED, DURING THE TERM OF THE LICENSE. IF THE INSPECTION SHOWS THAT
4 THE RADIATION SOURCE IS NOT ADHERING TO THE LICENSING REQUIREMENTS OF THIS
5 CHAPTER, THE DIRECTOR MAY TAKE ACTION AUTHORIZED BY THIS CHAPTER. A
6 RADIATION SOURCE WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED IN ACCORDANCE
7 WITH THIS SUBSECTION IS SUBJECT TO INSPECTION WHEN APPLYING FOR
8 RELICENSURE OR REINSTATEMENT OF THE LICENSE.

9 Sec. 9. Repeal

10 Sections 30-682, 30-685, 30-686, 30-687 and 30-688, Arizona Revised
11 Statutes, are repealed.

12 Sec. 10. Title 30, chapter 4, article 3, Arizona Revised Statutes,
13 is amended by adding new sections 30-686, 30-687 and 30-688, to read:

14 30-686. Appeal; hearing

15 A PERSON WHO IS DENIED LICENSURE OR REGISTRATION UNDER ARTICLE 2 OF
16 THIS CHAPTER OR WHO IS DENIED AN EXCEPTION FROM LICENSURE OR REGISTRATION
17 UNDER ARTICLE 2 OF THIS CHAPTER MAY APPEAL THE DENIAL BY MAKING A WRITTEN
18 REQUEST FOR A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. THE
19 DEPARTMENT SHALL GIVE NOTICE OF SUCH AN ACTION PURSUANT TO TIL 41,
20 CHAPTER 6, ARTICLE 10, AND THE NOTICE SHALL STATE THE PERSON'S RIGHT TO
21 MAKE A WRITTEN REQUEST FOR A HEARING.

22 30-687. Assessment; civil penalty; enforcement; appeals;
23 collection

24 A. THE DIRECTOR MAY ASSESS A CIVIL PENALTY AGAINST A PERSON THAT
25 VIOLATES THIS CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER IN AN
26 AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS FOR EACH VIOLATION. EACH DAY A
27 VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION. THE MAXIMUM AMOUNT OF
28 ANY ASSESSMENT IS TWENTY-FIVE THOUSAND DOLLARS FOR ANY THIRTY-DAY PERIOD.

29 B. THE DIRECTOR MAY ISSUE A NOTICE OF ASSESSMENT THAT INCLUDES THE
30 PROPOSED AMOUNT OF THE ASSESSMENT. IN DETERMINING THE AMOUNT OF A CIVIL
31 PENALTY ASSESSED AGAINST A PERSON UNDER SUBSECTION A OF THIS SECTION, THE
32 DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING:

- 33 1. REPEATED VIOLATIONS OF STATUTES AND RULES.
- 34 2. PATTERNS OF NONCOMPLIANCE.
- 35 3. TYPES OF VIOLATIONS.
- 36 4. THE SEVERITY OF THE VIOLATIONS.
- 37 5. THE POTENTIAL FOR AND OCCURRENCES OF ACTUAL HARM.
- 38 6. THREATS TO HEALTH AND SAFETY.
- 39 7. THE NUMBER OF PERSONS AFFECTED BY THE VIOLATIONS.
- 40 8. THE NUMBER OF VIOLATIONS.
- 41 9. THE LENGTH OF TIME THE VIOLATIONS HAVE BEEN OCCURRING.

42 C. A PERSON MAY APPEAL THE ASSESSMENT BY REQUESTING A HEARING
43 PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. IF THE ASSESSMENT IS
44 APPEALED, THE DIRECTOR MAY NOT TAKE FURTHER ACTION TO ENFORCE AND COLLECT
45 THE ASSESSMENT UNTIL AFTER THE HEARING.

1 D. ACTIONS TO ENFORCE THE COLLECTION OF CIVIL PENALTIES ASSESSED
2 PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE BROUGHT BY THE ATTORNEY
3 GENERAL OR THE COUNTY ATTORNEY IN THE NAME OF THE STATE IN THE JUSTICE
4 COURT OR THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED.

5 E. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
6 35-147, CIVIL PENALTIES COLLECTED PURSUANT TO THIS SECTION IN THE STATE
7 GENERAL FUND.

8 30-688. Emergency action

9 A. IF THE DIRECTOR FINDS THAT THE PUBLIC HEALTH, SAFETY OR WELFARE
10 IMPERATIVELY REQUIRES EMERGENCY ACTION AND INCORPORATES A FINDING TO THAT
11 EFFECT IN AN ORDER, THE DIRECTOR MAY:

12 1. ORDER THE SUMMARY SUSPENSION OF A LICENSE PENDING PROCEEDINGS
13 FOR REVOCATION OR ANOTHER ACTION. THESE PROCEEDINGS SHALL BE PROMPTLY
14 INSTITUTED AND DETERMINED.

15 2. ORDER THE IMPOUNDMENT OF SOURCES OF RADIATION IN THE POSSESSION
16 OF ANY PERSON THAT IS NOT EQUIPPED TO COMPLY WITH OR THAT FAILS TO COMPLY
17 WITH THIS CHAPTER OR ANY RULE ADOPTED PURSUANT TO THIS CHAPTER.

18 B. THE DIRECTOR MAY APPLY TO THE SUPERIOR COURT FOR AN INJUNCTION
19 TO RESTRAIN A PERSON FROM VIOLATING A PROVISION OF THIS CHAPTER OR A RULE
20 ADOPTED PURSUANT TO THIS CHAPTER. THE COURT SHALL GRANT A TEMPORARY
21 RESTRAINING ORDER, A PRELIMINARY INJUNCTION OR A PERMANENT INJUNCTION
22 WITHOUT BOND. THE PERSON MAY BE SERVED IN ANY COUNTY OF THIS STATE. THE
23 ACTION SHALL BE BROUGHT ON BEHALF OF THE DIRECTOR BY THE ATTORNEY GENERAL
24 OR THE COUNTY ATTORNEY OF THE COUNTY IN WHICH THE VIOLATION IS OCCURRING.

25 Sec. 11. Section 31-241, Arizona Revised Statutes, is amended to
26 read:

27 31-241. Inmate complaints to boards; procedure

28 A. An inmate shall exhaust all internal department grievance
29 procedures before filing a complaint with any of the following boards:

30 1. The state ~~dental~~ board OF DENTAL EXAMINERS established by
31 section 32-1203.

32 2. The Arizona regulatory board of physician assistants established
33 by section 32-2502.

34 3. The Arizona medical board established by section 32-1402.

35 4. The ARIZONA state board of nursing established by section
36 32-1602.

37 5. The board of occupational therapy examiners established by
38 section 32-3402.

39 6. The Arizona board of osteopathic examiners in medicine and
40 surgery established by section 32-1801.

41 7. The Arizona state board of pharmacy established by section
42 32-1902.

43 8. The state board of psychologist examiners established by section
44 32-2062.

1 ~~9. The medical radiologic technology board of examiners established~~
2 ~~by section 32-2802.~~

3 B. If an inmate files a complaint with a board pursuant to
4 subsection A of this section, the inmate shall attach a copy of the final
5 department grievance response to the complaint.

6 Sec. 12. Section 32-2801, Arizona Revised Statutes, is amended to
7 read:

8 32-2801. Definitions

9 In this chapter, unless the context otherwise requires:

10 ~~1. "Board" means the medical radiologic technology board of~~
11 ~~examiners.~~

12 ~~2. "Bone densitometry technologist" means a person who applies~~
13 ~~ionizing radiation to a person's hips, spine or extremities through the~~
14 ~~use of a bone densitometry machine.~~

15 ~~3.~~ 1. "Certificate" means a certificate that is granted and issued
16 by the ~~board~~ DEPARTMENT.

17 ~~4.~~ 2. "Certified technologist" means a person holding a
18 certificate that is granted and issued by the ~~board~~ DEPARTMENT.

19 ~~5.~~ 3. "Computed tomography technologist" means a person who
20 applies ionizing radiation to a human using a computed tomography machine
21 for diagnostic purposes.

22 ~~6.~~ 4. "Department" means the department of health services.

23 ~~7.~~ 5. "Direction" means responsibility for and control of the
24 application of ionizing radiation to human beings for diagnostic or
25 therapeutic purposes.

26 ~~8.~~ 6. "Director" means the director of the department of health
27 services.

28 ~~9.~~ 7. "Ionizing radiation" means gamma rays and x-rays, alpha and
29 beta particles, high speed electrons, neutrons, protons and other nuclear
30 particles or rays.

31 ~~10.~~ 8. "Leg" means that part of the lower limb between the knee
32 and the foot.

33 ~~11.~~ 9. "Licensed practitioner" means a person who is licensed or
34 otherwise authorized by law to practice medicine, dentistry, ~~osteopathy~~
35 OSTEOPATHIC MEDICINE, podiatry, chiropractic or naturopathic medicine in
36 this state.

37 ~~12.~~ 10. "Mammographic technologist" means a person who applies
38 ionizing radiation to the breasts of a human being for diagnostic
39 purposes.

40 ~~13.~~ 11. "Nuclear medicine technologist" means a person who uses
41 radiopharmaceutical agents on humans for diagnostic or therapeutic
42 purposes as set forth in rules adopted pursuant to section 32-2815.

43 12. "PRACTICAL TECHNOLOGIST IN BONE DENSITOMETRY" MEANS A
44 TECHNOLOGIST WHO HOLDS A CERTIFICATE TO APPLY IONIZING RADIATION TO A

1 PERSON'S HIPS, SPINE AND EXTREMITIES THROUGH THE USE OF A BONE DENSITY
2 MACHINE.

3 ~~14.~~ 13. "Practical technologist in podiatry" means a person
4 holding a practical technologist in podiatry certificate that is granted
5 and issued by the ~~board~~ DEPARTMENT.

6 ~~15.~~ 14. "Practical technologist in podiatry certificate" means a
7 certificate that is issued to a person, other than a licensed
8 practitioner, who applies ionizing radiation to the foot and leg for
9 diagnostic purposes while under the specific direction of a licensed
10 practitioner.

11 ~~16.~~ 15. "Practical technologist in radiology" means a person
12 holding a practical technologist in radiology certificate that is granted
13 and issued by the ~~board~~ DEPARTMENT.

14 ~~17.~~ 16. "Practical technologist in radiology certificate" means a
15 certificate that is issued to a person, other than a licensed
16 practitioner, who applies ionizing radiation to specific parts of the
17 human body for diagnostic purposes while under the specific direction of a
18 licensed practitioner.

19 ~~18.~~ 17. "Radiation therapy technologist" means a person who uses
20 radiation on humans for therapeutic purposes.

21 ~~19.~~ 18. "Radiologic technologist" means a person who holds a
22 certificate that is issued by the ~~board~~ DEPARTMENT and that allows that
23 person to apply ionizing radiation to individuals at the direction of a
24 licensed practitioner for general diagnostic or therapeutic purposes.

25 ~~20.~~ 19. "Radiologic technology" means the science and art of
26 applying ionizing radiation to human beings for general diagnostic or
27 therapeutic purposes.

28 ~~21.~~ 20. "Radiologic technology certificate" means a certificate
29 that is issued in radiologic technology to a person with at least
30 twenty-four months of full-time study or its equivalent through an
31 approved program and who has successfully completed an examination by a
32 national certifying body.

33 ~~22.~~ 21. "Radiologist" means a licensed practitioner of medicine or
34 ~~osteopathy~~ OSTEOPATHIC MEDICINE who has undertaken a course of training
35 that meets the requirements for admission to the examination of the
36 American board of radiology or the American osteopathic board of
37 radiology.

38 ~~23.~~ 22. "Radiologist assistant" means a person who holds a
39 certificate pursuant to section 32-2819 and who performs independent
40 advanced procedures in medical imaging and interventional radiology under
41 the guidance, directions, supervision and discretion of a licensed
42 practitioner of medicine or ~~osteopathy~~ OSTEOPATHIC MEDICINE specializing
43 in radiology as set forth in section 32-2819 and the rules adopted
44 pursuant to that section.

1 ~~24.~~ 23. "Unethical professional conduct" means the following acts,
2 whether occurring in this state or elsewhere:

3 (a) ~~The intentional betrayal of~~ INTENTIONALLY BETRAYING a
4 professional confidence or intentional violation of a privileged
5 communication except as required by law. This subdivision does not
6 prevent ~~members of the board~~ DEPARTMENT from ~~the exchange of~~ EXCHANGING
7 information with the radiologic licensing and disciplinary boards of other
8 states, territories or districts of the United States or foreign
9 countries.

10 (b) ~~The use of~~ USING controlled substances as defined in section
11 36-2501, narcotic drugs, dangerous drugs or marijuana as defined in
12 section 13-3401 or hypnotic drugs, derivatives or any compounds, mixtures
13 or preparations that may be used for producing hypnotic effects or the use
14 of alcohol to the extent that it affects the ability of the certificate or
15 permit holder to practice his profession.

16 (c) Using drugs for other than accepted therapeutic purposes.

17 (d) COMMITTING gross malpractice.

18 ~~(e) Acting or assuming to act as a member of the board if this is~~
19 ~~not true.~~

20 ~~(f)~~ (e) Procuring or attempting to procure a certificate or
21 license by fraud or misrepresentation.

22 ~~(g)~~ (f) Having professional connection with or lending one's name
23 to an illegal practitioner of radiologic technology or any other health
24 profession.

25 ~~(h)~~ (g) Offering, undertaking or agreeing to correct, cure or
26 treat a condition, disease, injury, ailment or infirmity by a secret
27 means, method, device or instrumentality.

28 ~~(i)~~ (h) Refusing to divulge to the ~~board~~ DEPARTMENT, on reasonable
29 notice and demand, the means, method, device or instrumentality used in
30 the treatment of a condition, disease, injury, ailment or infirmity. This
31 subdivision ~~shall~~ DOES not apply to communication between a technologist
32 or permit holder and a patient with reference to a disease, injury,
33 ailment or infirmity, or as to any knowledge obtained by personal
34 examination of the patient.

35 ~~(j)~~ (i) Giving or receiving, or aiding or abetting the giving or
36 receiving, of rebates, either directly or indirectly.

37 ~~(k)~~ (j) Knowingly making any false or fraudulent statement,
38 written or oral, in connection with the practice of radiologic technology.

39 ~~(l)~~ (k) ~~Refusal, revocation or suspension of~~ HAVING a certificate
40 or license REFUSED, REVOKED OR SUSPENDED by any other state, territory,
41 district or country for reasons that relate to the person's ability to
42 safely and skillfully practice radiologic technology or to any act of
43 unprofessional conduct.

44 ~~(m)~~ (l) ENGAGING IN any conduct or practice that does or would
45 constitute a danger to the health of the patient or the public.

1 ~~(m)~~ (m) Obtaining a fee by fraud or misrepresentation or wilfully
2 or intentionally filing a fraudulent claim with a third party for services
3 rendered or to be rendered to a patient.

4 ~~(n)~~ (n) Employing uncertified persons to perform or aiding and
5 abetting uncertified persons in the performance of work that can be done
6 legally only by certified persons.

7 ~~(p)~~ (o) Violating or attempting to violate, directly or
8 indirectly, or assisting or abetting the violation of or conspiring to
9 violate this chapter or a rule adopted by the ~~board~~ DEPARTMENT.

10 ~~25.~~ 24. "Unlimited practical technologist in radiology" means a
11 person holding an unlimited practical technologist in radiology
12 certificate that is granted and issued by the ~~board~~ DEPARTMENT.

13 ~~26.~~ 25. "Unlimited practical technologist in radiology
14 certificate" means a certificate that was issued to a person in 1977 or
15 1978, other than a licensed practitioner, who applies ionizing radiation
16 to the human body for diagnostic purposes while under the specific
17 direction of a licensed practitioner.

18 Sec. 13. Section 32-2802, Arizona Revised Statutes, is amended to
19 read:

20 32-2802. Advisory committee; members; appointment; terms;
21 compensation; meetings; removal; employees;
22 immunity

23 ~~A. The medical radiologic technology board of examiners is~~
24 ~~established in the department. The board is composed of the director of~~
25 ~~the department, or the director's designee, who serves as chairman and the~~
26 ~~following members appointed by the governor~~

27 A. THE DIRECTOR SHALL APPOINT AN ADVISORY COMMITTEE TO COLLABORATE
28 WITH AND ASSIST THE DIRECTOR IN PERFORMING THE DUTIES PRESCRIBED IN THIS
29 CHAPTER. THE DIRECTOR SHALL INFORM THE ADVISORY COMMITTEE REGARDING ALL
30 DISCIPLINARY ACTIONS. IN ADDITION TO THE DIRECTOR WHO SERVES AS
31 CHAIRPERSON, THE ADVISORY COMMITTEE SHALL INCLUDE:

32 1. Four members who are practicing radiologic technologists, who
33 have at least five years' experience and who hold radiologic technology
34 certificates issued pursuant to this chapter.

35 2. Two public members. Only a person who has never been a member,
36 or the spouse of a member, of a health care delivery profession and who
37 has never had a material financial interest in ~~the~~ providing ~~of~~ health
38 care or in a directly related activity is eligible to be a public member
39 of the ~~board~~ ADVISORY COMMITTEE.

40 3. Two members who are licensed practitioners, one of whom is a
41 radiologist.

42 4. One member who is a practical technologist in radiology, who has
43 at least five years' experience and who is a current license holder.

1 5. One member who is a practicing nuclear medicine technologist,
2 who has at least five years' experience in that field and who holds an
3 active certificate issued pursuant to this chapter.

4 B. All **ADVISORY COMMITTEE** members serve a term of three years to
5 begin and end on the third Monday of January in the appropriate year. The
6 ~~governor~~ **DIRECTOR** shall fill a vacancy that occurs before the expiration
7 of a term for the unexpired term.

8 C. Each ~~board~~ **ADVISORY COMMITTEE** member is eligible to receive
9 compensation as determined pursuant to section 38-611.

10 D. The ~~board~~ **ADVISORY COMMITTEE** shall meet at least once every six
11 months at times and places determined by the ~~board~~ **ADVISORY COMMITTEE**.
12 Special meetings also may be held at such times as the ~~board~~ **ADVISORY**
13 **COMMITTEE** may decide or on the call of the ~~chairman~~ **CHAIRPERSON**. A
14 written notice of the time, place and purpose of any special meeting shall
15 be mailed to all members of the ~~board~~ **ADVISORY COMMITTEE**.

16 E. The department may provide additional professional, technical,
17 secretarial and clerical assistance as the ~~board~~ **ADVISORY COMMITTEE** may
18 require to carry out its functions.

19 F. The ~~board~~ **ADVISORY COMMITTEE** shall hold examinations for
20 applicants for certificates pursuant to this chapter at least once every
21 six months, at times and places as the ~~board~~ **ADVISORY COMMITTEE** may
22 determine.

23 G. The ~~governor~~ **DIRECTOR** may terminate the term of ~~a board~~ **AN**
24 **ADVISORY COMMITTEE** member and declare the position vacant if the member
25 fails to attend three consecutive ~~board~~ **ADVISORY COMMITTEE** meetings.

26 H. The ~~board~~ **ADVISORY COMMITTEE** may hire practicing radiologic
27 technologists and other medical specialists to assist it in preparing and
28 administering examinations. These specialists shall receive the same
29 compensation as ~~board~~ **ADVISORY COMMITTEE** members.

30 I. The ~~board~~ **ADVISORY COMMITTEE** may employ temporary and permanent
31 personnel necessary to carry out the purposes of this chapter.

32 J. ~~Board~~ **ADVISORY COMMITTEE** members, ~~board~~ **ADVISORY COMMITTEE** staff
33 and ~~board~~ **ADVISORY COMMITTEE** examiners are personally immune from suit for
34 all actions taken in good faith in furtherance of the purposes of this
35 chapter.

36 Sec. 14. Section 32-2803, Arizona Revised Statutes, is amended to
37 read:

38 32-2803. Rules

39 ~~A. The director, after consultation and with the approval of the~~
40 ~~board and after notice and public hearing,~~ may adopt rules as may be
41 needed to carry out the purposes of this chapter. The rules shall
42 include, ~~but not be limited to:~~

43 1. Minimum standards of training and experience for persons to be
44 certified pursuant to this chapter and procedures for examining applicants
45 for certification.

1 2. Provisions identifying the types of applications of ionizing
2 radiation for a practical technologist in podiatry, practical technologist
3 in radiology, practical technologist in bone densitometry, radiologic
4 technologist, radiation therapy technologist, mammographic technologist,
5 nuclear medicine technologist, ~~bone densitometry technologist,~~ computed
6 tomography technologist and radiologist assistant and any new radiologic
7 modality technologist and those minimum standards of education and
8 training to be met by each type of applicant.

9 ~~B. Rules adopted pursuant to subsection A, paragraph 2 of this
10 section establishing minimum standards of education and training to be met
11 by practical technologist in podiatry applicants shall be approved or
12 proposed by a joint committee on education, training and examination
13 composed of an equal number of representatives from the medical radiologic
14 technology board of examiners and the state board of podiatry
15 examiners. The medical radiologic technology board of examiners shall
16 determine the total membership of the committee, and the medical
17 radiologic technology board of examiners and the state board of podiatry
18 examiners shall appoint their respective representatives.~~

19 ~~C. The medical radiologic technology board of examiners may propose
20 to the department standards as may be appropriate for carrying out the
21 purposes of this chapter. In the case of proposing to the department
22 standards governing practical technologists in podiatry, the medical
23 radiologic technology board of examiners shall consult with the state
24 board of podiatry examiners.~~

25 Sec. 15. Section 32-2804, Arizona Revised Statutes, is amended to
26 read:

27 32-2804. School approval; standards; considerations

28 A. The ~~board~~ DEPARTMENT may approve a school of radiologic
29 technology as maintaining a satisfactory standard if its course of study:

30 1. Is for a period of ~~not less than~~ AT LEAST twenty-four months of
31 full-time study or its equivalent and is accredited by the committee on
32 allied health accreditation or meets or exceeds the standards of this
33 chapter.

34 2. Includes ~~not less than~~ AT LEAST four hundred hours of classroom
35 work, including radiation protection, x-ray physics, radiographic
36 techniques, processing techniques, nursing procedures, anatomy and
37 physiology, radiographic positioning, radiation therapy and professional
38 ethics.

39 3. Includes ~~not less than~~ AT LEAST one thousand eight hundred hours
40 devoted to clinical experience.

41 4. Includes demonstrations, discussions, seminars and supervised
42 practice.

43 5. Includes ~~not less than~~ AT LEAST eighty hours of regularly
44 scheduled supervised film critiques.

1 B. An approved school of radiologic technology may be operated by a
2 medical or educational institution or other public or private agency or
3 institution and, for the purpose of providing the requisite clinical
4 experience, shall be affiliated with one or more hospitals that, ~~in the~~
5 ~~opinion of the board,~~ THE DEPARTMENT DETERMINES are likely to provide this
6 experience.

7 C. In approving a school of radiologic technology, the ~~board~~
8 DEPARTMENT shall consider the standards adopted by appropriate
9 professional organizations, including the joint review committee on
10 education in radiologic technology, ~~the American college of radiology and~~
11 ~~the American osteopathic college of radiology~~ and may accept the
12 certification of a school of radiologic technology or the accreditation of
13 a hospital to provide requisite clinical experience, ~~if the board~~
14 DEPARTMENT finds that certification or accreditation was granted on the
15 basis of standards that will afford the same protection to the public as
16 the standards provided by this chapter.

17 Sec. 16. Title 32, chapter 28, article 1, Arizona Revised Statutes,
18 is amended by adding section 32-2805, to read:

19 32-2805. Fees; deposit

20 THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
21 35-147, NINETY PERCENT OF THE FEES COLLECTED PURSUANT TO THIS CHAPTER IN
22 THE HEALTH SERVICES LICENSING FUND ESTABLISHED BY SECTION 36-414 AND TEN
23 PERCENT OF THE FEES COLLECTED PURSUANT TO THIS CHAPTER IN THE STATE
24 GENERAL FUND.

25 Sec. 17. Section 32-2812, Arizona Revised Statutes, is amended to
26 read:

27 32-2812. Applications for certificate; qualifications; fees;
28 examination; denial

29 A. An applicant for a certificate shall submit an application for
30 certification or an application for examination for certification,
31 accompanied by a nonrefundable fee ~~of sixty dollars~~ ESTABLISHED BY THE
32 DIRECTOR. ~~The application for certification fee may be prorated quarterly~~
33 ~~over the certification period.~~ An applicant who has practiced radiography
34 without certification shall pay a prorated fee retroactively to the
35 earliest date of uncertified practice. The fee for a replacement
36 certificate is ten dollars. The application for examination fee is
37 seventy dollars and shall not be prorated. An application shall ~~be~~
38 ~~verified by oath or affirmation and shall~~ contain information that the
39 applicant:

- 40 1. Is at least eighteen years of age.
- 41 2. Is of good moral character.
- 42 3. ~~Has successfully completed or obtained~~ MEETS ONE OF THE
43 FOLLOWING REQUIREMENTS:

44 (a) In the case of an application for radiologic technologist,
45 radiation therapy technologist or nuclear medicine technologist

1 certification, **HAS SUCCESSFULLY COMPLETED** a course of study at a school of
2 radiologic technology that is approved by the ~~board~~ **DEPARTMENT** or an
3 out-of-state school of radiologic technology that is approved by the joint
4 review committee on education in radiologic technology, the American
5 registry of radiologic technologists or the nuclear medicine technology
6 certification board.

7 (b) In the case of an application for practical technologist in
8 podiatry certification, practical technologist in bone densitometry
9 certification and practical technologist in radiology certification, ~~high~~
10 ~~school or its equivalent as determined by the medical radiologic~~
11 ~~technology board of examiners with the advice of the state board of~~
12 ~~education, and~~ satisfactorily meets the basic requisites determined by the
13 ~~medical radiologic technology board of examiners~~ **DEPARTMENT** pursuant to
14 section 32-2803.

15 (c) In the case of an application for radiologist assistant
16 certification, **HAS OBTAINED** a baccalaureate degree or postbaccalaureate
17 certificate from an advanced academic program that encompasses a
18 nationally recognized radiologist assistant curriculum that includes a
19 radiologist-directed clinical preceptorship. An applicant for
20 certification before April 1, 2009 is not required to have a baccalaureate
21 degree or postbaccalaureate certificate, but must have completed an
22 advanced academic program that encompasses a nationally recognized
23 radiologist assistant curriculum that includes a radiologist-directed
24 clinical preceptorship.

25 B. If the application is in proper form and it appears that the
26 applicant meets the eligibility requirements, the applicant shall be
27 notified of the time and place of the next examination.

28 C. The ~~board~~ **DEPARTMENT** may accept, in lieu of its own examination,
29 a certificate issued on the basis of an examination by a
30 certificate-granting body recognized by the ~~board~~ **DEPARTMENT** or a
31 certificate, registration or license issued by another state if that
32 state's standards for certification, registration or licensure are
33 satisfactory to the ~~board~~ **DEPARTMENT**.

34 D. The ~~board~~ **DEPARTMENT** may deny a certificate to an applicant who
35 has committed an act or engaged in conduct in any jurisdiction that
36 resulted in a disciplinary action against the applicant or that would
37 constitute grounds for disciplinary action under this chapter.

38 ~~E. The board or chairman of the board may designate a~~
39 ~~representative to approve or deny applications for certification.~~

40 Sec. 18. Section 32-2813, Arizona Revised Statutes, is amended to
41 read:

42 32-2813. Examination; contents; subsequent examinations

43 A. Examinations for certification shall include the subjects of
44 radiation protection, x-ray physics, radiographic techniques, processing
45 techniques, nursing procedures, anatomy terminology, radiological

1 mathematics, professional ethics and such other subjects as the ~~board~~
2 DEPARTMENT may deem appropriate.

3 B. The ~~board~~ DEPARTMENT shall prepare lists of examination
4 questions or problems and administer the examinations. ~~In the case of~~
5 ~~examinations for certification of practical technologists in podiatry the~~
6 ~~joint committee on education, training and examinations established under~~
7 ~~section 32-2803, subsection B shall prepare lists of examination questions~~
8 ~~or problems.~~

9 C. Examinations shall include written questions but may also
10 include practical and oral portions. Following each examination, the
11 papers and the practical and oral examinations shall be graded and the
12 standing of each applicant shall be recorded. The ~~board or its designated~~
13 ~~representative~~ DEPARTMENT shall either pass or reject each applicant.

14 D. An applicant who fails to pass an examination may reapply for
15 examination in the manner prescribed by section 32-2812. ~~A second~~
16 ~~failure, and all subsequent failures, of the examination~~ THE DEPARTMENT
17 shall require ~~that the~~ A candidate WHO FAILS THE EXAMINATION THREE TIMES
18 TO successfully complete additional training ~~to be~~ prescribed by the ~~board~~
19 DEPARTMENT before ~~acceptance of~~ ACCEPTING the candidate for reexamination.

20 Sec. 19. Section 32-2814, Arizona Revised Statutes, is amended to
21 read:

22 32-2814. Initial certificates; special permits; temporary
23 certificates

24 A. The ~~board~~ DEPARTMENT shall issue ~~a~~ AN INITIAL certificate THAT
25 IS VALID FOR TWO YEARS to each candidate who has paid the prescribed fee
26 and who either has successfully passed the examination or has been
27 accepted pursuant to section 32-2812.

28 B. The ~~board~~ DEPARTMENT, on application, may issue a special permit
29 to exempt a person from ~~the provisions of~~ this chapter if the ~~board~~
30 DEPARTMENT finds to its satisfaction that there is substantial evidence
31 that the people in the locality of the state in which such AN exemption is
32 sought would be denied adequate medical care because of THE unavailability
33 of certified licensed practitioners or persons holding certificates
34 pursuant to this chapter. The ~~board~~ DEPARTMENT shall issue a special
35 permit for a limited period of time, not to exceed one year, to be
36 prescribed by the ~~board~~ DEPARTMENT in accordance with the purposes of this
37 chapter. The ~~board~~ DEPARTMENT may renew a SPECIAL permit if the
38 PERMITTEE'S circumstances have not changed.

39 C. The ~~board through its designated representative~~ DEPARTMENT may
40 issue a temporary certificate to any person whose certification or
41 recertification is pending and in whose case the issuance of a temporary
42 certificate may be justified by reason of special circumstances.

43 D. A temporary certificate shall be issued only if the ~~board or its~~
44 ~~designated representative~~ DEPARTMENT finds that its issuance will not
45 violate the purposes of this chapter or tend to endanger the public health

1 and safety. A temporary certificate expires thirty days after the date of
2 the next examination if the applicant is required to take the examination
3 or, if the applicant does not take the examination, ~~then~~ on the date of
4 the examination. In all other cases, a temporary certificate expires when
5 the determination is made either to issue, or to deny the issuance of, a
6 certificate. A temporary certificate shall not be valid for more than one
7 ~~hundred eighty days~~ YEAR and may not be renewed ~~more than once~~.

8 E. A person shall submit an application for certification in a form
9 prescribed by the ~~board~~ DEPARTMENT. ~~The board may require that the~~
10 ~~application include other evidence of qualification.~~

11 Sec. 20. Section 32-2815, Arizona Revised Statutes, is amended to
12 read:

13 32-2815. Rules; bone densitometry certification; nuclear
14 medicine certification; continuing education

15 A. The ~~board~~ DEPARTMENT shall adopt rules regarding the
16 certification of practical technologists in bone densitometry to allow the
17 certificate holder to apply ionizing radiation to a person's extremities
18 through the use of a bone densitometry machine. The rules shall
19 prescribe:

20 1. The minimum education and training qualifications for
21 certification. The qualifications prescribed by the ~~board~~ DEPARTMENT
22 shall allow a person who does not meet the education and training
23 requirements of a radiologic technologist or a practical technologist in
24 radiology to obtain a certificate as a practical technologist in bone
25 densitometry.

26 2. The application and renewal fees.

27 ~~3. The definition of a practical technologist in bone densitometry.~~

28 B. Subsection A of this section does not prohibit a radiologic
29 technologist or a practical technologist in radiology from operating a
30 bone densitometry machine.

31 C. A person who wishes to practice as a nuclear medicine
32 technologist must apply to the ~~board~~ DEPARTMENT for certification as
33 prescribed by ~~the board by~~ rule. The ~~board~~ DEPARTMENT shall adopt rules
34 to establish minimum educational and training requirements for nuclear
35 medicine technologists.

36 D. The ~~board~~ DEPARTMENT shall adopt rules to prescribe the
37 following minimum continuing education requirements for the renewal of the
38 following certificates:

39 1. Practical technologist in podiatry, two hours every two years.

40 2. Practical technologist in radiology, six hours every two years.

41 3. Practical technologist in bone densitometry, two hours every two
42 years.

43 4. Unlimited practical technologist in radiology, twenty-four hours
44 every two years.

1 5. Nuclear medicine technologist, twenty-four hours every two
2 years.
3 6. Radiologist assistant, fifty hours every two years.
4 7. Radiologic technologist, twenty-four hours every two years.
5 8. Radiation therapy technologist, twenty-four hours every two
6 years.
7 E. The ~~board~~ DEPARTMENT may require an applicant for renewal to
8 document compliance with the appropriate continuing education requirements
9 of subsection D of this section.
10 Sec. 21. Section 32-2816, Arizona Revised Statutes, is amended to
11 read:
12 32-2816. Certificates; fee; terms; registration; renewal;
13 cancellation; waiver
14 A. Except as provided in section 32-4301, ~~if a certificate holder's~~
15 ~~last name begins with a letter that falls between A through M, the~~
16 ~~certificate expires on the last day of the certificate holder's birth~~
17 ~~month in every even-numbered year. All other certificates expire on the~~
18 ~~last day of the certificate holder's birth month in every odd-numbered~~
19 ~~year. The board shall notify a certificate holder thirty days before the~~
20 ~~expiration date of the certificate~~ A CERTIFICATE ISSUED UNDER THIS SECTION
21 IS VALID FOR TWO YEARS.
22 B. The ~~medical radiologic technology board of examiners~~ DEPARTMENT
23 may renew a certificate for two years on payment of a renewal fee ~~in an~~
24 ~~amount established by the board pursuant to section 32-2803~~ ESTABLISHED BY
25 THE DIRECTOR and submission of a renewal application containing
26 information the ~~board~~ DEPARTMENT requires to show that the applicant for
27 renewal is a technologist in good standing. The applicant for renewal
28 shall also present evidence satisfactory to the ~~medical radiologic~~
29 ~~technology board of examiners~~ DEPARTMENT of having completed the required
30 continuing education in radiologic technology within the preceding two
31 years. If a radiologic technologist is certified by the American registry
32 of radiologic technologists or nuclear medicine technology certification
33 board, that person must satisfy the continuing education requirements of
34 this subsection by providing the ~~medical radiologic technology board of~~
35 ~~examiners~~ DEPARTMENT with evidence of the technologist's good standing and
36 current certification with that registry.
37 C. A certificate holder who fails to renew the certificate on or
38 before the certificate's expiration as prescribed in subsection ~~A~~ B of
39 this section shall pay a penalty fee of fifty dollars for late renewal.
40 D. A certificate holder who does not renew a certificate within
41 thirty days after the certificate expires and who continues the active
42 practice of radiologic technology without adequate cause satisfactory to
43 the ~~board~~ DEPARTMENT is subject to censure, reprimand or denial of right
44 to renew the certificate pursuant to section 32-2821.

1 E. On the request of a certificate holder in good standing, the
2 ~~board~~ DEPARTMENT shall cancel a certificate.

3 F. The ~~board~~ DEPARTMENT shall waive the renewal fee if a
4 certificate holder submits an affidavit to the ~~board~~ DEPARTMENT stating
5 that the certificate holder is retired from the practice of radiologic
6 technology or wishes to be placed on inactive status. A retired or
7 inactive technologist who practices is subject to the same penalties
8 imposed pursuant to this chapter on a person who practices radiologic
9 technology without a certificate.

10 G. The ~~board~~ DEPARTMENT may reinstate a technologist on retired or
11 inactive status on payment of the renewal fee pursuant to subsection B of
12 this section.

13 Sec. 22. Section 32-2818, Arizona Revised Statutes, is amended to
14 read:

15 32-2818. Lapsed certification; inactive status; reinstatement

16 A person who was an unlimited practical technologist in radiology
17 under this chapter from and after December 31, 1992 and whose certificate
18 was not suspended or revoked but who failed to renew the certificate ~~may~~,
19 on application to the ~~medical radiologic technology board of examiners~~
20 DEPARTMENT, MAY be placed on inactive status or reinstated pursuant to
21 section 32-2816.

22 Sec. 23. Section 32-2819, Arizona Revised Statutes, is amended to
23 read:

24 32-2819. Radiologist assistants; certification; rules; scope
25 of practice

26 A. ~~Beginning January 1, 2009,~~ A person who wishes to practice as a
27 radiologist assistant must apply to the ~~board~~ DEPARTMENT for a certificate
28 on a form and in the manner prescribed by the ~~board~~ DEPARTMENT pursuant to
29 the requirements of section 32-2812.

30 B. The ~~board~~ DEPARTMENT shall adopt rules to implement this
31 section. The rules shall include the following:

32 1. Continuing education requirements.

33 2. Any other requirements the ~~board~~ DEPARTMENT considers
34 appropriate to implement this section.

35 C. Pursuant to rules adopted by the ~~board~~ DEPARTMENT, a radiologist
36 assistant may do the following under the direct supervision of a
37 radiologist:

38 1. Perform fluoroscopic procedures.

39 2. Assess and evaluate the physiologic and psychological
40 responsiveness of patients undergoing radiologic procedures.

41 3. Evaluate image quality, make initial image observations and
42 communicate observations to the supervising radiologist.

43 4. Administer contrast media or other medications prescribed by the
44 supervising radiologist.

1 5. Perform any other procedures consistent with rules adopted by
2 the ~~board~~ DEPARTMENT.

3 D. In adopting rules pursuant to subsection C of this section, the
4 ~~board~~ DEPARTMENT shall consider guidelines established by the ~~American~~
5 ~~college of radiology, the American society of radiologic technologists and~~
6 ~~the~~ American registry of radiologic technologists.

7 E. A radiologist assistant shall not interpret images, make
8 diagnoses or prescribe medications or therapies.

9 F. A radiologist who supervises a radiologist assistant may
10 authorize the assistant to perform only those radiologic procedures
11 described in this section.

12 G. A person shall not do any of the following without a certificate
13 issued pursuant to this section:

14 1. Perform the radiologic procedures described in subsection C of
15 this section.

16 2. Claim to be a radiologist assistant, including using any sign,
17 advertisement, card, letterhead, circular or other writing, document or
18 design to induce others to believe the person is authorized to practice as
19 a radiologist assistant.

20 H. Subsection G of this section does not apply to either of the
21 following:

22 1. A person engaging in the scope of practice for which the person
23 holds a valid license or certificate.

24 2. A person performing a task as part of an advanced academic
25 program.

26 Sec. 24. Section 32-2821, Arizona Revised Statutes, is amended to
27 read:

28 32-2821. Revocation or suspension of certificate or permit;
29 civil penalties; enforcement; appeals; hearings

30 A. ~~The certificate of a technologist, radiologist assistant or~~
31 ~~permit holder may be suspended for a fixed period, or may be revoked, or~~
32 ~~the technologist or radiologist assistant may be censured, reprimanded or~~
33 ~~otherwise disciplined, if after a hearing pursuant to title 41, chapter 6,~~
34 ~~article 10 it is determined that~~ THE DIRECTOR MAY REVOKE OR SUSPEND A
35 CERTIFICATE OR PERMIT ISSUED UNDER THIS CHAPTER IF the holder of the
36 certificate or permit:

37 1. Is guilty of any fraud or deceit in activities as a technologist
38 or radiologist assistant or has been guilty of any fraud or deceit in
39 procuring or maintaining a certificate.

40 2. Has been convicted in a court of competent jurisdiction of a
41 crime involving moral turpitude. If the conviction has been reversed and
42 the holder of the certificate or permit has been discharged or acquitted
43 or if the holder of the certificate or permit has been pardoned or the
44 holder's civil rights have been restored, the certificate may be restored.

1 3. Is an habitual drunkard or is addicted to the use of morphine,
2 cocaine or other drugs having similar effect, is insane or uses
3 hallucinogens.

4 4. Has knowingly aided or abetted a person, not otherwise
5 authorized, who is not a certified technologist or radiologist assistant
6 or has not been issued a special permit in engaging in the activities of a
7 technologist or radiologist assistant.

8 5. Has undertaken or engaged in any practice beyond the scope of
9 the authorized activities of a certified technologist, radiologist
10 assistant or permit holder pursuant to this chapter.

11 6. Has impersonated a duly certified technologist, radiologist
12 assistant or permit holder or former duly certified technologist,
13 radiologist assistant or permit holder or is engaging in the activities of
14 a technologist, radiologist assistant or permit holder under an assumed
15 name.

16 7. Has been guilty of unethical professional conduct.

17 8. Has continued to practice without obtaining a certificate
18 renewal or a special permit renewal.

19 9. Has applied ionizing radiation to a human being when not
20 operating in each particular case under the direction of a duly licensed
21 practitioner or to any person or part of the human body other than
22 specified in the law under which the practitioner is licensed.

23 10. Has acted or is acting as an owner, co-owner or employer in any
24 enterprise engaged in the application of ionizing radiation to human
25 beings for the purpose of diagnostic interpretation or the treatment of
26 disease, without being under the direction of a licensed practitioner.

27 11. Has used or is using the prefix "Dr.", the word "doctor" or any
28 prefix or suffix to indicate or imply that the person is a duly licensed
29 practitioner if this is not true.

30 12. Is or has been guilty of incompetence or negligence in
31 activities as a technologist.

32 13. Is or has been afflicted with any medical problem, disability or
33 addiction, ~~that the~~ board DEPARTMENT determines impairs the certificate
34 or permit holder's professional competence.

35 14. Has interpreted a diagnostic image for a physician, a patient,
36 the patient's family or the public.

37 15. HAS VIOLATED ANY PROVISION OF THIS CHAPTER OR RULE ADOPTED
38 PURSUANT TO THIS CHAPTER.

39 ~~B. Proceedings pursuant to this section against any certified
40 technologist, radiologist assistant or permit holder shall begin by filing
41 with the board a written charge or charges under oath against the
42 technologist, radiologist assistant or permit holder. The charges may be
43 referred by any person, corporation, association or public officer or by
44 the board on its own motion. A copy of the charges, together with a
45 report of the investigation as the board deems proper, shall be referred~~

1 ~~to the chairman of the board for review. If the chairman decides that the~~
2 ~~charges should be heard, the chairman shall designate three or more~~
3 ~~members of the board as a committee to hear and report on the charges and~~
4 ~~shall set a time and place for the hearing pursuant to title 41, chapter~~
5 ~~6, article 10. A copy of the charges, together with a notice of the time~~
6 ~~and place of hearing, shall be served on the person charged either~~
7 ~~personally or by certified mail at least twenty days before the date fixed~~
8 ~~for the hearing. The board or its committee may issue subpoenas for the~~
9 ~~appearance of witnesses and to take testimony under oath.~~

10 B. A PERSON MAY APPEAL THE REVOCATION OR SUSPENSION UNDER
11 SUBSECTION A OF THIS SECTION BY REQUESTING A HEARING PURSUANT TO TITLE 41,
12 CHAPTER 6, ARTICLE 10. IF THE REVOCATION OR SUSPENSION IS APPEALED, THE
13 DIRECTOR MAY NOT TAKE FURTHER ACTION TO ENFORCE THE REVOCATION OR
14 SUSPENSION UNTIL AFTER THE HEARING.

15 C. If the certificate of any person has been revoked or suspended,
16 the ~~board may~~ DEPARTMENT, after the expiration of two years, ~~entertain~~ MAY
17 CONSIDER an application for restoration of the certificate ~~under~~
18 ~~conditions to be prescribed by the board for each individual case.~~

19 D. The ~~board~~ DIRECTOR may ~~impose~~ ASSESS a CIVIL penalty ~~of~~ AGAINST
20 A PERSON IN AN AMOUNT not to exceed two hundred fifty dollars for each
21 violation of this ~~section~~ CHAPTER OR A RULE ADOPTED PURSUANT TO THIS
22 CHAPTER. EACH DAY A VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION.

23 E. THE DIRECTOR SHALL ISSUE A NOTICE OF ASSESSMENT THAT INCLUDES
24 THE PROPOSED AMOUNT OF THE ASSESSMENT. IN DETERMINING THE AMOUNT OF A
25 CIVIL PENALTY ASSESSED AGAINST A PERSON UNDER THIS SUBSECTION, THE
26 DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING:

- 27 1. REPEATED VIOLATIONS OF STATUTES AND RULES.
- 28 2. PATTERNS OF NONCOMPLIANCE.
- 29 3. TYPES OF VIOLATIONS.
- 30 4. THE SEVERITY OF VIOLATIONS.
- 31 5. THE POTENTIAL FOR AND OCCURRENCES OF ACTUAL HARM.
- 32 6. THREATS TO HEALTH AND SAFETY.
- 33 7. THE NUMBER OF PERSONS AFFECTED BY THE VIOLATIONS.
- 34 8. THE NUMBER OF VIOLATIONS.
- 35 9. THE LENGTH OF TIME THE VIOLATIONS HAVE BEEN OCCURRING.

36 F. A PERSON MAY APPEAL THE CIVIL PENALTY ASSESSMENT BY REQUESTING A
37 HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. IF AN ASSESSMENT IS
38 APPEALED, THE DIRECTOR MAY NOT TAKE FURTHER ACTION TO ENFORCE AND COLLECT
39 THE ASSESSMENT UNTIL AFTER THE HEARING.

40 G. ACTIONS TO ENFORCE THE COLLECTION OF CIVIL PENALTIES ASSESSED
41 PURSUANT TO THIS SECTION SHALL BE BROUGHT BY THE ATTORNEY GENERAL OR THE
42 COUNTY ATTORNEY IN THE NAME OF THE STATE IN THE JUSTICE COURT OR THE
43 SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED.

1 H. The ~~board~~ DEPARTMENT shall deposit, pursuant to sections 35-146
2 and 35-147, ~~monies~~ CIVIL PENALTIES collected pursuant to this ~~subsection~~
3 SECTION in the state general fund.

4 ~~E. Except as provided in section 41-1092.08, subsection H, a person~~
5 ~~may appeal a final board decision to the superior court pursuant to title~~
6 ~~12, chapter 7, article 6.~~

7 I. THE DEPARTMENT SHALL CONDUCT ANY HEARING TO REVOKE OR SUSPEND A
8 CERTIFICATE OR PERMIT OR IMPOSE A CIVIL PENALTY UNDER THIS SECTION
9 PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.

10 ~~F.~~ J. The ~~board~~ DEPARTMENT may issue a nondisciplinary order
11 requiring the certificate holder or permit holder to complete a prescribed
12 number of hours of continuing education in an area or areas prescribed by
13 the ~~board~~ DEPARTMENT to provide the certificate holder or permit holder
14 with the necessary understanding of current developments, skills,
15 procedures or treatment. THE DEPARTMENT MAY ALSO FILE A LETTER OF
16 CONCERN, ISSUE A DECREE OF CENSURE, PRESCRIBE A PERIOD OF PROBATION OR
17 RESTRICT OR LIMIT THE PRACTICE OF A CERTIFICATE OR PERMIT HOLDER.

18 Sec. 25. ~~Repeal; transfer of monies~~

19 A. Section 32-2823, Arizona Revised Statutes, is repealed.

20 B. All unexpended and unencumbered monies remaining in the state
21 radiologic technologist certification fund established by section 32-2823,
22 Arizona Revised Statutes, as repealed by subsection A of this section, are
23 transferred to the health services licensing fund established by section
24 36-414, Arizona Revised Statutes, on the effective date of this section.

25 Sec. 26. Section 32-2824, Arizona Revised Statutes, is amended to
26 read:

27 32-2824. ~~Inspections~~

28 A. The ~~board~~ DEPARTMENT or its duly authorized representatives may
29 enter during scheduled work hours on private or public property for the
30 purpose of:

31 1. Ensuring that only ~~board-certified~~ CERTIFIED individuals or
32 individuals WHO ARE exempt from ~~board~~ certification are operating ionizing
33 radiation machines.

34 2. Determining whether a certified individual is practicing beyond
35 the scope of the person's certificate.

36 3. Determining whether a certified individual has violated the
37 provisions of this chapter.

38 4. Auditing ionizing radiation logbooks.

39 5. DETERMINING COMPLIANCE WITH THIS CHAPTER AND THE RULES ADOPTED
40 PURSUANT TO THIS CHAPTER.

41 B. The ~~board~~ DEPARTMENT may enter areas under the jurisdiction of
42 the federal government only with its permission.

1 ~~C. The board on its own motion, or the executive director if~~
2 ~~delegated by the board, may investigate any evidence that appears to show~~
3 ~~the existence of any of the causes or grounds for disciplinary action as~~
4 ~~provided in section 32-2821, subsection A. The board may investigate any~~
5 ~~complaint that alleges the existence of any of the causes or grounds for~~
6 ~~disciplinary action as provided in section 32-2821, subsection A.~~

7 Sec. 27. Section 32-2825, Arizona Revised Statutes, is amended to
8 read:

9 32-2825. Injunctive relief

10 The ~~board~~ DEPARTMENT may file a petition for injunctive relief
11 against a person who violates a provision of this chapter. ~~The petition~~
12 ~~may be filed in the superior court in Maricopa county or in the county~~
13 ~~where the defendant resides or is found~~ THE PERSON MAY BE SERVED IN ANY
14 COUNTY OF THIS STATE. THE ACTION SHALL BE BROUGHT ON BEHALF OF THE
15 DIRECTOR BY THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY OF THE COUNTY IN
16 WHICH THE VIOLATION IS OCCURRING.

17 Sec. 28. Section 32-2841, Arizona Revised Statutes, is amended to
18 read:

19 32-2841. Mammographic technologists; computed tomography
20 technologists; certification; renewal

21 A. A person who wishes to perform diagnostic MAMMOGRAPHY or
22 screening mammography as defined in section 30-651 shall obtain a
23 mammographic technologist certificate from the ~~board~~ DEPARTMENT. A person
24 who wishes to perform computed tomography shall obtain a computed
25 tomography technologist certificate from the ~~board~~ DEPARTMENT. The ~~board~~
26 DEPARTMENT shall issue a certificate to an applicant who:

- 27 1. Pays a ~~prorated~~ twenty dollar application fee.
28 2. Holds a current radiologic technology certificate issued by the
29 ~~board~~ DEPARTMENT.

30 3. For a mammographic certification, completes the training and
31 education requirements of subsection B of this section and passes an
32 examination as prescribed in subsection D of this section.

33 4. For a computed tomography technologist certification, provides
34 documentation of two years of experience in computed tomography and
35 completion of twelve hours of computed tomography specific education or
36 passes an examination as prescribed in subsection D of this section.

37 B. To satisfy the education requirements of subsection A of this
38 section, an applicant shall meet the initial training and education
39 requirements of the mammography quality standards act regulations for
40 quality standards of mammographic technologists, 21 Code of Federal
41 Regulations section 900.12.

42 C. The ~~board~~ DEPARTMENT shall issue a student mammography permit,
43 PRECEPTORSHIP OR TEMPORARY CERTIFICATE to a person who is in training and
44 meets the requirement of subsection A, paragraph 2 of this section if the
45 applicant also provides the ~~board~~ DEPARTMENT with verification of

1 employment and the name of the radiologist who agrees to be responsible
 2 for the applicant's supervision and training. A student mammography
 3 permit, PRECEPTORSHIP OR TEMPORARY CERTIFICATE is valid for one year from
 4 the date it is issued and may NOT be renewed ~~one time for an additional~~
 5 ~~six months~~. If the holder completes all of the requirements of subsection
 6 A of this section within the permitted period, the ~~board~~ DEPARTMENT shall
 7 issue a mammographic OR COMPUTED TOMOGRAPHY technologist certificate. The
 8 mammographic OR COMPUTED TOMOGRAPHY technologist certificate shall be
 9 renewed as prescribed under subsection E of this section.

10 D. To satisfy the examination requirements of this section an
 11 applicant shall pass an examination in mammography or computed tomography
 12 administered by the ~~board~~ DEPARTMENT or, in lieu of its own examination,
 13 the ~~board~~ DEPARTMENT may accept a certificate issued on the basis of an
 14 examination by a certificate-granting body recognized by the ~~board~~
 15 DEPARTMENT.

16 E. Except as provided in section 32-4301, a certificate THAT IS
 17 issued under this section is valid for two years. ~~If a certificate~~
 18 ~~holder's last name begins with a letter that falls between A through M,~~
 19 ~~the certificate expires on the last day of the certificate holder's birth~~
 20 ~~month in every even-numbered year. All other certificates expire on the~~
 21 ~~last day of the certificate holder's birth month in every odd-numbered~~
 22 ~~year.~~ The ~~board~~ DEPARTMENT shall notify a certificate holder thirty days
 23 before the expiration date of the certificate. An applicant for renewal
 24 of a mammographic technologist certificate shall meet the continuing
 25 education requirements of the mammography quality standards act
 26 regulations for quality standards of mammographic technologists, 21 Code
 27 of Federal Regulations section 900.12. If a radiologic technologist is
 28 certified by the American registry of radiologic technologists, that
 29 person must satisfy the continuing education requirements of this
 30 subsection by providing the ~~board~~ DEPARTMENT with evidence of the
 31 technologist's good standing and current certification with that registry.
 32 The applicant shall also pay a twenty dollar renewal fee to the ~~board~~
 33 DEPARTMENT.

34 ~~F. The board shall prorate fees for a new certificate for the~~
 35 ~~remaining full calendar months of the respective group to which the~~
 36 ~~certificate is assigned.~~

37 ~~G.~~ F. A person or facility that employs a person certified under
 38 this section shall report any suspected violations of section 32-2821 to
 39 the ~~board~~ DEPARTMENT. The ~~board~~ DEPARTMENT shall investigate the
 40 complaint ~~and act as prescribed under section 32-2821~~. If in the course
 41 of its investigation the ~~board~~ DEPARTMENT determines that a person
 42 regulated by another regulatory agency of this state may have violated
 43 that agency's laws, the ~~board~~ DEPARTMENT shall report the violation to the
 44 other agency for disciplinary action.

1 Sec. 29. Section 36-414, Arizona Revised Statutes, is amended to
2 read:

3 36-414. Health services licensing fund; exemption

4 A. The health services licensing fund is established consisting of
5 monies deposited pursuant to sections 30-654, 32-2805, 36-405, 36-851.01,
6 36-882, 36-897.01 and 36-1903. The department of health services shall
7 administer the fund.

8 B. Monies in the fund are subject to legislative appropriation.

9 C. Monies in the fund are exempt from the provisions of section
10 35-190 relating to lapsing of appropriations.

11 Sec. 30. Repeal

12 Sections 41-3018.04 and 41-3018.23, Arizona Revised Statutes, are
13 repealed.