

**RADIOLOGIC TECHNOLOGISTS BOARD
LAWS
AS OF THE 2019 LEGISLATIVE SESSION**

**TITLE 37, CHAPTER 14
RADIOLOGIC TECHNOLOGISTS**

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CHAPTER 14

RADIOLOGIC TECHNOLOGISTS

Chapter Cross-References

Nuclear regulation, Title 50, ch. 79.

Chapter Administrative Rules

Title 24, chapter 204, ARM Board of Radiologic Technologists.

Chapter Law Review Articles

The Quest of X-Ray Ownership, Brinkmeier, 4 C.B.A. Rec. 31 (1990).

Part 1

General

37-14-101. Purpose. The legislature declares that the practice of radiologic technology affects the public health, safety, and welfare and that it is therefore necessary to regulate and control such practice in the public interest. The purpose of this chapter is to protect the public from the unprofessional, improper, unauthorized, or unqualified practice of radiologic technology.

History: En. 66-3701.1 by Sec. 4, Ch. 310, L. 1977; R.C.M. 1947, 66-3701.1.

37-14-102. Definitions. In this chapter, unless the context clearly requires otherwise, the following definitions apply:

- (1) "Board" means the board of radiologic technologists provided for in 2-15-1738.
- (2) "Department" means the department of labor and industry.
- (3) "General supervision" means face-to-face communication, direction, observation, and evaluation by the radiologist at least monthly, with interim supervision occurring by other methods, such as telephonic, electronic, or written communication.
- (4) "License" means an authorization issued by the department to perform x-ray procedures on persons.
- (5) "Licensed practitioner" means a person licensed or otherwise authorized by law to practice medicine, dentistry, dentistry, dental hygiene, podiatry, osteopathy, or chiropractic.
- (6) "Limited permit technician" means a person who does not qualify for the issuance of a license under the provisions of this chapter but who has demonstrated, to the satisfaction of the board, the capability of performing specified high-quality x-ray procedures without endangering public health and safety.
- (7) "Performance of x-ray procedures" means the involvement or completion of any portion of an x-ray procedure that may have an effect on the patient's accumulated x-ray radiation exposure, including positioning of the patient, technique selection, selection of ancillary equipment, initiation of exposure, and darkroom procedures.
- (8) "Permit" means an authorization that may be granted by the board to perform x-ray procedures on persons when the applicant's qualifications do not meet standards required for the issuance of a license.
- (9) "Radiologic technologist" means a person, other than a licensed practitioner, who has qualified under the provisions of this chapter for the issuance of a license to perform diagnostic x-ray procedures on persons and who performs the following functions in connection with the diagnostic procedure:
 - (a) operates x-ray equipment to reveal the internal condition of patients for the diagnosis of fractures, diseases, and other injuries;
 - (b) prepares and positions patients for x-ray procedures;

(c) selects the proper radiographic technique for visualization of specific internal structures of the human body;

(d) selects the proper ancillary equipment to be used in the x-ray procedure to enhance the visualization of the desired structure;

(e) prepares film processing solutions and develops or processes the exposed x-ray film; and

(f) inspects, maintains, and performs minor repairs to x-ray equipment.

(10) "Radiologist" means a person who is licensed to practice medicine under Title 37, chapter 3, who is board eligible or board certified by the American board of radiology, and who resides and practices in Montana.

(11) "Radiologist assistant" means an advanced-level licensed radiologic technologist who works under the supervision of a radiologist to enhance patient care by assisting the radiologist in the diagnostic imaging environment.

History: En. 66-3701 by Sec. 1, Ch. 336, L. 1975; amd. Sec. 1, Ch. 310, L. 1977; R.C.M. 1947, 66-3701; amd. Sec. 3, Ch. 274, L. 1981; amd. Sec. 25, I.M. No. 97, approved Nov. 6, 1984; amd. Sec. 2, Ch. 166, L. 1985; amd. Sec. 46, Ch. 83, L. 1989; amd. Sec. 122, Ch. 483, L. 2001; amd. Sec. 1, Ch. 307, L. 2003; amd. Sec. 1, Ch. 491, L. 2005.

Compiler's Comments

2005 Amendment: Chapter 491 substituted definition of general supervision for former definition that read: "'General supervision" means the procedure is furnished under the radiologist's overall direction and control. However, the radiologist's presence is not required at the site during the performance of the procedure"; in definition of radiologist at end inserted "and who resides and practices in Montana"; in definition of radiologist assistant after "who works under the" deleted "general"; and made minor changes in style. Amendment effective April 28, 2005.

2003 Amendment: Chapter 307 inserted definitions of general supervision, radiologist, and radiologist assistant; and made minor changes in style. Amendment effective October 1, 2003.

2001 Amendment: Chapter 483 in definition of department after "department of" substituted "labor and industry" for "commerce"; and made minor changes in style. Amendment effective July 1, 2001.

1989 Amendment: In definition of licensed practitioner deleted "chiroprody".

1985 Amendment: In (3) substituted language defining license as authorization issued by the Department to perform x-ray procedures on persons for "'License" means an authorization to apply x-ray radiation to persons issued by the department of commerce"; inserted (5) defining limited permit technician; inserted (6) defining performance of x-ray procedures; in (7) before "x-ray", substituted "perform" for "apply" and after "x-ray" substituted "procedures on" for "radiation to"; in (8) after "who", substituted "has qualified under the provisions of this chapter for the issuance of a license to perform" for "applies", after "x-ray", substituted "procedures on" for "radiation to", after "persons", inserted remainder of (8) to colon, further defining radiologic technologist as person who performs functions in (8)(a) through (8)(f); and inserted (8)(a) through (8)(f) (see 1985 Session Law).

1984 Initiative Amendment: In (4) after "dentistry", inserted "denturistry".

1981 Amendment: Substituted "department of commerce" for "department of professional and occupational licensing" in (2) and (3); changed internal reference to the board.

Part 2

Board of Radiologic Technologists

Part Cross-References

Right to know, Art. II, sec. 9, Mont. Const.

Open meetings, Title 2, ch. 3, part 2.

Meeting defined, 2-3-202.

Adoption and publication of rules, Title 2, ch. 4, part 3.

Allocation of boards for administrative purposes, 2-15-121.

Quasi-judicial boards, 2-15-124.

Board established, 2-15-1738.

Duties of Department, Director, and boards, Title 37, ch. 1, part 1.

Disrupting meeting as disorderly conduct, 45-8-101.

Part Administrative Rules

Title 24, chapter 204, subchapter 1, ARM Organizational rules.
Title 24, chapter 204, subchapter 2, ARM Procedural rules.
Title 24, chapter 204, subchapter 5, ARM Licensing and scope of practice.

37-14-201. Compensation of board members — meetings. (1) Board members must receive compensation and travel expenses, as provided for in 37-1-133.

(2) The board shall meet at least twice a year and elect a presiding officer at the first meeting of each calendar year.

History: En. 66-3703 by Sec. 4, Ch. 336, L. 1975; amd. Sec. 13, Ch. 453, L. 1977; R.C.M. 1947, 66-3703; amd. Sec. 18, Ch. 474, L. 1981; amd. Sec. 20, Ch. 492, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 492 deleted former (3) that read: "(3) Four members of the board constitute a quorum for the purpose of transacting business"; and made minor changes in style. Amendment effective October 1, 2001.

1981 Amendment: In (1), deleted the first sentence allowing the board to determine compensation; substituted "receive compensation and" for "be reimbursed for their"; and substituted "37-1-103" for "2-18-501 through 2-18-503, as amended, incurred while on official business of the board".

Board Compensation and Travel Expenses — Preamble: The preamble of SB 463 (Ch. 474, L. 1981), which provided for uniform compensation and travel expenses for Board members, is located in the compiler's comments under 37-1-133.

37-14-202. Rulemaking power. The board may promulgate rules necessary to carry out the provisions of this chapter and adjudicate contested cases under it.

History: En. 66-3704 by Sec. 5, Ch. 336, L. 1975; R.C.M. 1947, 66-3704.

Administrative Rules

Title 24, chapter 204, ARM Board of Radiologic Technologists.

Attorney General's Opinions

Permits for X-Ray Technologists — Board Rules Adding Additional Noncontradictory Requirements to Statute Invalid: Rules of the Board of Radiologic Technologists requiring applicants for permits as radiologic technologists under 37-14-306 to take a 24-hour course approved by the Board, be employed, have at least 6 months' practical experience in the x-ray profession, pass a permit examination, and pay a \$65 exam fee are void and unenforceable. The rules engraft additional, noncontradictory requirements on 37-14-306 that were not envisioned by the Legislature, even though the rules may appear to be consistent with the purposes of the statute. 40 A.G. Op. 50 (1984). (See statement of intent attached to Ch. 166, L. 1985, compiler's comments to 37-14-301.)

Part 3 Licensing

Part Cross-References

Licensing to follow contested case procedure, 2-4-631.

Duty of Department to administer and grade examinations, 37-1-101.

Duty of Board to adopt and enforce licensing and certification rules, 37-1-131.

Licensing boards to establish fees commensurate with costs, 37-1-134.

Licensing investigation and review — record access, 37-1-135.

Grounds for disciplinary action as grounds for license denial — conditions to new licenses, 37-1-137.

Licensure of criminal offenders, Title 37, ch. 1, part 2.

Nondiscrimination in licensing, 49-3-204.

Part Administrative Rules

Title 24, chapter 204, subchapter 4, ARM General provisions.

Title 24, chapter 204, subchapter 5, ARM Licensing and scope of practice.

37-14-301. Limitation of license authority — exemptions. (1) A person may not perform x-ray procedures on a person unless licensed or granted a limited permit under this chapter, with the following provisos:

(a) Licensure is not required for:

(i) a student enrolled in and attending a school or college of medicine, osteopathy, podiatry, dentistry, dental hygiene, chiropractic, or radiologic technology who applies x-ray radiation to persons under the specific direction of a person licensed to prescribe examinations or treatment;

(ii) a person administering x-ray examinations related to the practice of dentistry or denturistry if the person is certified by the board of dentistry as having passed an examination testing the person's proficiency to administer x-ray examinations;

(iii) a person who performs only darkroom procedures and is under the supervision of a licensed radiologic technologist or radiologist or is able to show evidence of completion of formal training in darkroom procedures as established by rule; or

(iv) a person who only operates industrial x-ray equipment that does not involve procedures administered on people.

(b) This chapter may not be construed to limit or affect in any respect the practice of their respective professions by licensed practitioners.

(2) A person licensed as a radiologic technologist may perform x-ray procedures on persons for medical, diagnostic, or therapeutic purposes under the specific direction of a person licensed to prescribe x-ray procedures.

(3) A radiologic technologist licensed under this chapter may inject contrast media and radioactive isotopes (radionuclide material) intravenously by the use of venous puncture and saline solution flush upon request and direction of a licensed practitioner. In the case of contrast media, the licensed practitioner requesting the procedure, the radiologist, or personnel trained in advanced cardiac life support must be immediately available in the facility. Injections must be for diagnostic studies only and not for therapeutic purposes. Except as provided in 37-14-313, permitted injections include peripheral intravenous injections but specifically exclude intra-arterial injections. An uncertified radiologic technologist, a limited permit technician under 37-14-306, or an individual who is not licensed or authorized under a separate licensing act may not perform any of the activities listed in this subsection. A radiologist assistant licensed under 37-14-313 may give injections related to the procedures authorized by the board to be provided by a radiologist assistant without regard to the restrictions on radiologic technologists provided in this section, except that when contrast media is used, a licensed physician or additional medical personnel trained in advanced cardiac life support must be immediately available in the facility.

History: En. 66-3702 by Sec. 2, Ch. 336, L. 1975; R.C.M. 1947, 66-3702; amd. Sec. 1, Ch. 150, L. 1981; amd. Sec. 26, I.M. No. 97, approved Nov. 6, 1984; amd. Sec. 3, Ch. 166, L. 1985; amd. Sec. 17, Ch. 548, L. 1985; amd. Sec. 47, Ch. 83, L. 1989; amd. Sec. 2, Ch. 307, L. 2003; amd. Sec. 37, Ch. 126, L. 2005; amd. Sec. 2, Ch. 491, L. 2005.

Compiler's Comments

2005 Amendments — Composite Section: Chapter 126 inserted (1)(a)(iv) providing that licensure is not required for a person who only operates industrial x-ray equipment; and made minor changes in style. Amendment effective July 1, 2005.

Chapter 491 in (3) in first sentence near middle inserted "by the use of venous puncture and saline solution flush" and after "upon request" inserted "and direction", in second sentence near middle inserted "or personnel trained in advance cardiac life support" and at end substituted "in the facility" for "within the x-ray department", in fourth sentence near end after "intra-arterial" deleted "or intracatheter", in fifth sentence near middle after "or authorized under" substituted "a separate" for "another", and inserted sixth sentence authorizing radiologist assistant to give certain injections; and made minor changes in style. Amendment effective April 28, 2005.

2003 Amendment: Chapter 307 in (3) in fourth sentence at beginning inserted exception clause; and made minor changes in style. Amendment effective October 1, 2003.

1989 Amendment: In (1)(a)(i) deleted "chiropody".

1985 Amendments: Chapter 166 in (1) and (2) before "x-ray" substituted "perform" for "apply" and after "x-ray" substituted "procedures on" for "radiation to"; in (1) following "licensed", inserted "or granted a limited permit"; inserted (1)(a)(iii) exempting from licensure requirements a person who performs only darkroom procedures under supervision of a licensed radiologic technologist or radiologist or who can

show evidence of formal training in darkroom procedures; at end of (2) substituted "procedures" for "examinations or treatments"; in last sentence of (3), after "technologist", substituted "limited permit technician" for "permitholder" and after "37-14-306", inserted "or an individual who is not licensed or authorized under another licensing act".

Chapter 548 in (1)(a)(ii), after "denturtry", inserted proviso constituting remainder of subsection.

Statement of Intent: The statement of intent attached to Ch. 166, L. 1985, provided: "This bill is a response to Volume 40 Opinions of the Attorney General No. 50. A statement of intent is required for this bill because it delegates rulemaking authority to the board of radiologic technologists.

It is the intent of the legislature that the board be required by section 3 of this bill [amending 37-14-301] to adopt rules establishing the standards of formal classroom training in darkroom procedures for those individuals who, by reason of their training and the fact that they perform only darkroom procedures, are exempt from licensure.

It is the intent of the legislature that the board be required by section 4 of this bill [amending 37-14-306] to adopt rules:

- (1) setting standards of formal classroom training for permit holders;
- (2) defining specific x-ray procedures the permit holders will be allowed to perform;
- (3) regarding the renewal of permits;
- (4) establishing a written and oral portion of the examination and defining the circumstances under which those portions will be required;
- (5) outlining additional eligibility requirements when an applicant fails an examination; and
- (6) defining adequate evidence of regional hardship, emergency conditions, and capability to perform high-quality x-ray procedures.

It is the intent of the legislature that section 6 of this bill [amending 37-14-310, now repealed] require that the department of commerce [now department of labor and industry] establish renewal dates for licenses.

Further, it is the intent of the legislature that section 7 of this bill [amending 37-14-321, now repealed] delegate authority to the board to adopt rules defining unethical conduct for the purpose of establishing disciplinary standards for limited permit technicians."

1984 Initiative Amendment: In (1)(a)(ii) after "practice of dentistry", inserted "or denturtry".

1981 Amendment: Substituted "specific direction" for "direct supervision" before "of a person licensed" in (1)(a)(i); added subsection (3) regulating injection of contrast media and radioactive isotopes.

Administrative Rules

ARM 24.204.504 Permits — practice limitations.

ARM 24.204.507 Course requirements for limited permit applicants.

37-14-302. Qualifications. (1) Each applicant for licensure as a radiologic technologist shall have satisfactorily completed a 24-month course of study in radiologic technology approved by the board.

(2) Each applicant for licensure as a radiologic technologist shall:

- (a) be of good moral character;
- (b) be at least 18 years of age; and
- (c) not be addicted to intemperate use of alcohol or narcotic drugs.

History: En. 66-3705 by Sec. 6, Ch. 336, L. 1975; amd. Sec. 2, Ch. 310, L. 1977; R.C.M. 1947, 66-3705; amd. Sec. 2, Ch. 296, L. 1981.

Compiler's Comments

1981 Amendment: Deleted "other than those qualifying under 37-14-312" after "radiologic technologist" in (1); deleted "including those qualifying under 37-14-312" after "radiologic technologist" in (2).

37-14-303. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. 66-3706 by Sec. 7, Ch. 336, L. 1975; amd. Sec. 3, Ch. 310, L. 1977; R.C.M. 1947, 66-3706(1) thru (3); amd. Sec. 37, Ch. 345, L. 1981.

37-14-304. Repealed. Sec. 128, Ch. 429, L. 1995.

History: En. 66-3706 by Sec. 7, Ch. 336, L. 1975; amd. Sec. 3, Ch. 310, L. 1977; R.C.M. 1947, 66-3706(4).

37-14-305. Issuance of license or permit — fee. The board shall issue a license or permit to each applicant who has submitted a nonrefundable licensing fee set by the board and has met the requirements of this chapter.

History: En. 66-3707 by Sec. 8, Ch. 336, L. 1975; amd. Sec. 5, Ch. 310, L. 1977; R.C.M. 1947, 66-3707(part); amd. Sec. 38, Ch. 345, L. 1981.

Compiler's Comments

1981 Amendment: Deleted ", not to exceed \$50," after "fee set by the board" near the end of the section.

Fees Prescribed by Board — Statement of Intent and Preamble: Chapter 345, L. 1981 (SB 412), which amended this section relating to the Board prescribing fees, contained a statement of intent and a preamble. For the texts see compiler's comments at 37-1-134.

Section Not Codified: Section 66-3708, R.C.M. 1947, a temporary section providing for licensure without examination of persons employed as radiologic technicians prior to October 9, 1976, has not been codified in the MCA. This section has not been repealed and is still valid law. Citation may be made to sec. 9, Ch. 336, L. 1975, as amended by sec. 6, Ch. 310, L. 1977.

Subsections (1)(a), (1)(c), and (2) of section 66-3708.1, R.C.M. 1947, temporary subsections providing for licensure without examination of persons who can demonstrate practical proficiency in radiologic technology and who have been employed as radiologic technicians prior to October 9, 1976, have not been codified in the MCA. These subsections have not been repealed and are still valid law. Citation may be made to the same subsections of sec. 7, Ch. 310, L. 1977, as amended by sec. 1, Ch. 573, L. 1977.

Administrative Rules

ARM 24.204.401 Fee schedule.

ARM 24.204.404 Permit fees.

ARM 24.204.414 Hardship temporary permits.

37-14-306. Permits. (1) The board may issue a permit to an applicant not qualifying for the issuance of a license under the provisions of this chapter but who has demonstrated to the satisfaction of the board the capability of performing high-quality x-ray procedures without endangering public health and safety. An applicant shall demonstrate this capability by completion of formal classroom training that meets the standards established by rule and by means of examination. Permits issued under provisions of 37-14-305 and this section must specify x-ray procedures, defined and established by rule, that may be performed by the holder. Permits are valid for a period not to exceed 12 months but may be renewed under the provisions established by rule.

(2) An applicant meeting minimum requirements for licensure must be issued a temporary permit to work as a radiologic technologist. This temporary permit expires 15 days after the date of first opportunity for examination.

(3) The board shall issue temporary permits to unlicensed persons to perform x-ray procedures when adequate evidence is provided to the board that a temporary permit is necessary because of a regional hardship or emergency condition and that the prospective recipient of a temporary permit is capable of performing x-ray procedures without endangering public health and safety. Temporary permits may not exceed 12 months in duration but may be renewed by reestablishing to the board's satisfaction evidence of continued regional hardship or emergency conditions. The required adequate evidence of regional hardship, emergency conditions, and capability to perform x-ray procedures without endangering public health and safety must be established by rule.

(4) Each applicant for a permit must:

(a) be of good moral character;

(b) be at least 18 years of age; and

(c) not be addicted to intemperate use of alcohol or narcotic drugs.

History: En. 66-3707 by Sec. 8, Ch. 336, L. 1975; amd. Sec. 5, Ch. 310, L. 1977; R.C.M. 1947, 66-3707(2) thru (4); amd. Sec. 4, Ch. 166, L. 1985; amd. Sec. 54, Ch. 467, L. 2005.

Compiler's Comments

2005 Amendment: Chapter 467 deleted former (2) that read: "(2) Examinations for the issuance of a permit must include a written portion and may also include practical and oral portions as established by the board. The board shall provide applicants for permits the opportunity for examination at intervals not to exceed 6 months. A nonrefundable examination fee, established by the board, must be submitted prior to examination for a permit. An applicant failing the examination must be charged a nonrefundable examination fee for any subsequent examination. An applicant failing any subsequent examination shall meet any additional eligibility requirements established by rule for reexamination"; and made minor changes in style. Amendment effective July 1, 2005.

1985 Amendment: Throughout section, after "x-ray", substituted "procedures" for "examinations"; in (1), in first sentence, after "satisfaction of", deleted "a physician specializing in radiology approved by", inserted second sentence requiring an applicant to demonstrate the capability of performing high-quality x-ray procedures by completion of formal training, in third sentence, after "x-ray procedures", inserted "defined and established by rule", and in last sentence, substituted "established by rule" for "for original issuance"; inserted (2) setting forth examination requirements and procedures; in (4) in first sentence, before "persons", substituted "unlicensed" for "uncertified" and inserted last sentence providing that evidence of regional hardship, emergency conditions, and capability to perform x-ray procedures must be established by rule; and inserted (5) stating applicant requirements.

Statement of Intent: The statement of intent attached to Ch. 166, L. 1985, provided: "This bill is a response to Volume 40 Opinions of the Attorney General No. 50. A statement of intent is required for this bill because it delegates rulemaking authority to the board of radiologic technologists.

It is the intent of the legislature that the board be required by section 3 of this bill [amending 37-14-301] to adopt rules establishing the standards of formal classroom training in darkroom procedures for those individuals who, by reason of their training and the fact that they perform only darkroom procedures, are exempt from licensure.

It is the intent of the legislature that the board be required by section 4 of this bill [amending 37-14-306] to adopt rules:

- (1) setting standards of formal classroom training for permit holders;
- (2) defining specific x-ray procedures the permit holders will be allowed to perform;
- (3) regarding the renewal of permits;
- (4) establishing a written and oral portion of the examination and defining the circumstances under which those portions will be required;
- (5) outlining additional eligibility requirements when an applicant fails an examination; and
- (6) defining adequate evidence of regional hardship, emergency conditions, and capability to perform high-quality x-ray procedures.

It is the intent of the legislature that section 6 of this bill [amending 37-14-310, now repealed] require that the department of commerce [now department of labor and industry] establish renewal dates for licenses.

Further, it is the intent of the legislature that section 7 of this bill [amending 37-14-321, now repealed] delegate authority to the board to adopt rules defining unethical conduct for the purpose of establishing disciplinary standards for limited permit technicians."

Administrative Rules

Title 24, chapter 204, subchapter 5, ARM Licensing and scope of practice.

Attorney General's Opinions

Permits for X-Ray Technologists — Board Rules Adding Additional Noncontradictory Requirements to Statute Invalid: Rules of the Board of Radiologic Technologists requiring applicants for permits as radiologic technologists under 37-14-306 to take a 24-hour course approved by the Board, be employed, have at least 6 months' practical experience in the x-ray profession, pass a permit examination, and pay a \$65 exam fee are void and unenforceable. The rules engraft additional, noncontradictory requirements on 37-14-306 that were not envisioned by the Legislature, even though the rules may appear to be consistent with the purposes of the statute. 40 A.G. Op. 50 (1984). (See statement of intent attached to Ch. 166, L. 1985, compiler's comments to this section.)

37-14-307. Duty to carry or display license or permit. Each radiologic technologist or limited permit technician shall carry or display the person's license or permit while at work. The license or permit must be displayed on request.

History: En. 66-3707 by Sec. 8, Ch. 336, L. 1975; amd. Sec. 5, Ch. 310, L. 1977; R.C.M. 1947, 66-3707(5); amd. Sec. 5, Ch. 166, L. 1985; amd. Sec. 1376, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

1985 Amendment: After "technologist" inserted "or limited permit technician"; and after "carry" inserted "or display".

37-14-308. Issuance of other documents. The board may issue to licensees or permittees such other cards, certificates, or documents as it considers necessary or convenient to the proper administration of this chapter.

History: En. 66-3707 by Sec. 8, Ch. 336, L. 1975; amd. Sec. 5, Ch. 310, L. 1977; R.C.M. 1947, 66-3707(6).

Administrative Rules

ARM 24.204.411 Replacement licenses and permits.

37-14-309. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. 66-3709.1 by Sec. 9, Ch. 310, L. 1977; R.C.M. 1947, 66-3709.1.

37-14-310. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. 66-3709 by Sec. 10, Ch. 336, L. 1975; amd. Sec. 8, Ch. 310, L. 1977; R.C.M. 1947, 66-3709; amd. Sec. 5, Ch. 390, L. 1983; amd. Sec. 6, Ch. 166, L. 1985; amd. Sec. 21, Ch. 492, L. 1997; amd. Sec. 21, Ch. 271, L. 2003.

37-14-311. Deposit of fees. Fees collected by the department shall be deposited in the state special revenue fund for the use of the board in administering this chapter.

History: En. 66-3707 by Sec. 8, Ch. 336, L. 1975; amd. Sec. 5, Ch. 310, L. 1977; R.C.M. 1947, 66-3707(part); amd. Sec. 1, Ch. 277, L. 1983.

Compiler's Comments

1983 Amendment: Substituted reference to state special revenue fund for reference to earmarked revenue fund.

37-14-312. Repealed. Sec. 3, Ch. 296, L. 1981.

History: En. 66-3708.1 by Sec. 7, Ch. 310, L. 1977; amd. Sec. 1, Ch. 573, L. 1977; R.C.M. 1947, 66-3708.1(1)(b).

37-14-313. Radiologist assistant — scope of practice — board approval. (1) A person licensed under this chapter who has completed an advanced academic program encompassing a nationally recognized radiologist assistant curriculum or certification and who has a radiologist-directed clinical preceptorship certificate may practice as a radiologist assistant upon approval by the board. Board action upon a request for approval must be taken, with or without prior rulemaking, after a written request for approval is received by the board.

(2) (a) The specific duties allowed for a radiologist assistant may be defined by the board by rule. The rules must be consistent with guidelines adopted by the American college of radiology, the American society of radiologic technologists, the American registry of radiologic technologists, the certifying board of radiology practitioner assistants, and subsection (2)(b). The board shall adopt rules governing the scope of practice for radiologist assistants in order to resolve any conflicts in that subject between the guidelines of the associations named in this subsection.

(b) The rules must specify the functions that a radiologist assistant may perform in connection with diagnostic procedures under the supervision of a radiologist, including radiology procedures, invasive

procedures, procedures as delegated by a radiologist, and the types of injection of contrast media and radioactive isotopes (radionuclide) material allowed.

(c) The rules may specify levels of supervision based on education and experience, but at a minimum, the level of supervision must be general supervision.

(d) A radiologist assistant may not interpret images, make diagnoses, or prescribe medications or therapies.

(3) A radiologist assistant may also be referred to as a "radiology practitioner assistant".

History: En. Sec. 3, Ch. 307, L. 2003; amd. Sec. 3, Ch. 491, L. 2005.

Compiler's Comments

2005 Amendment: Chapter 491 in (1) inserted last sentence requiring board action on request for approval; in (2)(a) in second sentence near end inserted "the certifying board of radiology practitioner assistants" and inserted last sentence requiring board to adopt rules; in (2)(b) near beginning after "diagnostic procedures under the" deleted "general"; inserted (2)(c) regarding rules concerning level of supervision; and made minor changes in style. Amendment effective April 28, 2005.

Effective Date: This section is effective October 1, 2003.

37-14-314 through 37-14-320 reserved.

37-14-321. Repealed. Sec. 128, Ch. 429, L. 1995.

History: En. 66-3710 by Sec. 11, Ch. 336, L. 1975; R.C.M. 1947, 66-3710; amd. Sec. 7, Ch. 166, L. 1985; amd. Sec. 15, Ch. 619, L. 1993.

37-14-322. Inspections. Inspections for compliance with the provisions of this chapter may be performed by:

(1) the board of radiologic technologists;

(2) the department of labor and industry;

(3) the department of public health and human services.

History: En. 66-3711 by Sec. 12, Ch. 336, L. 1975; R.C.M. 1947, 66-3711; amd. Sec. 3, Ch. 274, L. 1981; amd. Sec. 61, Ch. 418, L. 1995; amd. Sec. 90, Ch. 546, L. 1995; amd. Sec. 123, Ch. 483, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 483 in (2) substituted "labor and industry" for "commerce". Amendment effective July 1, 2001.

1995 Amendments: Chapter 418 in (3) substituted "department of public health" for "department of health and environmental sciences". Amendment effective July 1, 1995.

Chapter 546 in (3) substituted "department of public health and human services" for "department of health and environmental sciences". Amendment effective July 1, 1995.

Transition: Section 499, Ch. 418, L. 1995, provided: "The provisions of 2-15-131 through 2-15-137 apply to [this act]."

Saving Clauses: Section 503, Ch. 418, L. 1995, was a saving clause.

Section 571, Ch. 546, L. 1995, was a saving clause.

1981 Amendment: Substituted "department of commerce" for "department of professional and occupational licensing" in subsection (2).

37-14-323. Penalty for violation. A person or the employer of a person who violates any provisions of this chapter or rules adopted under this chapter is guilty of an offense and shall be fined not to exceed \$500. Each day of violation constitutes a separate offense.

History: En. 66-3712 by Sec. 13, Ch. 336, L. 1975; R.C.M. 1947, 66-3712.

Compiler's Comments

Severability Clause: Section 14, Ch. 336, L. 1975, was a severability clause.

Cross-References

Prosecutorial duties of County Attorney, 7-4-2712.

Duties of County Attorney relating to state matters, 7-4-2716.

Criminal responsibility of corporations, 45-2-311.

Administrative Rules

ARM 24.204.2301 Unprofessional conduct.