

**Maine Revised Statute Title 32, Chapter 103:
MEDICAL RADIATION HEALTH AND SAFETY ACT**

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32 §9851. FINDINGS

The Legislature finds that the citizens of this State are entitled to the maximum protection practicable from the harmful effects of excessive and improper exposure to ionizing radiation; that the protection can be increased by requiring appropriate education and training of persons operating medical and dental equipment emitting ionizing radiation; and that it is therefore necessary to establish standards of education, training and experience for these operators, to provide for the appropriate examination and licensure and to emphasize the professional nature of the service. [1983, c. 524, (NEW) .]

SECTION HISTORY

1983, c. 524, (NEW) .

32 §9852. DEFINITIONS

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [1983, c. 524, (NEW) .]

1. Board. "Board" means the Radiologic Technology Board of Examiners.

[1983, c. 524, (NEW) .]

2. Dental radiographer. "Dental radiographer" means a person, other than a licensed practitioner, whose duties include radiography of the maxilla, mandible and adjacent structures for diagnostic purposes and who is licensed under chapter 16.

[1983, c. 524, (NEW) .]

3. Ionizing radiation. "Ionizing radiation" means gamma rays and x rays; alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles; but not ultrasound, sound or radio waves, magnetic fields or visible, infrared or ultraviolet light.

[2005, c. 511, §1 (AMD) .]

4. License. "License" means a certificate issued by the board authorizing the licensee to use radioactive materials or equipment emitting ionizing radiation on human beings for diagnostic or therapeutic purposes in accordance with the provisions of this Act.

[1983, c. 524, (NEW) .]

4-A. Licensed physician. "Licensed physician" means a person licensed to practice medicine or osteopathy in this State.

[2005, c. 511, §1 (NEW) .]

5. Licensed practitioner. "Licensed practitioner" means a person licensed to practice medicine, dentistry, chiropractic, podiatry or osteopathy in this State.

[1983, c. 524, (NEW) .]

6. Nuclear medicine technologist. "Nuclear medicine technologist" means a person, other than a licensed practitioner, who uses radionuclide agents on human beings for diagnostic and therapeutic purposes.

[2005, c. 511, §1 (AMD) .]

7. Nuclear medicine technology. "Nuclear medicine technology" means the use of radionuclides on human beings for diagnostic and therapeutic purposes under the supervision of a licensed physician. The use of radionuclides on human beings for diagnostic and therapeutic purposes includes the use of dual imaging devices. For purposes of this subsection, "use" means all activities involved in the application of radioactive material. These activities include, but are not limited to, adjusting equipment settings, positioning the patient, positioning the equipment and positioning the image receptor.

[2005, c. 511, §1 (AMD) .]

8. Radiation therapist. "Radiation therapist" means a person, other than a licensed practitioner, who applies ionizing radiation to human beings for therapeutic and simulation purposes, excluding the administration of radiopharmaceuticals.

[2005, c. 511, §1 (AMD) .]

9. Radiation therapy technology. "Radiation therapy technology" means the use of ionizing radiation on human beings for therapeutic and simulation purposes, excluding the administration of radiopharmaceuticals, under the supervision of a licensed physician. For purposes of this subsection, "use" means all activities involved in the application of ionizing radiation. These activities include, but are not limited to, adjusting equipment settings, positioning the patient, positioning the equipment and positioning the image receptor.

[2005, c. 511, §1 (AMD) .]

10. Radiographer. "Radiographer" means a person, other than a licensed practitioner, who applies ionizing radiation to human beings for imaging purposes, excluding the administration of radiopharmaceuticals.

[2005, c. 511, §1 (AMD) .]

11. Radiography. "Radiography" means the use of ionizing radiation on human beings for imaging purposes, excluding the administration of radiopharmaceuticals, under the supervision of a licensed practitioner. For purposes of this subsection, "use" means all activities involved in the application of ionizing radiation. These activities include, but are not limited to, adjusting equipment settings, positioning the patient, positioning the equipment and positioning the image receptor.

[2005, c. 511, §1 (AMD) .]

12. Radiologic technologist. "Radiologic technologist" means any person who is a radiographer, a radiation therapist or a nuclear medicine technologist licensed under this chapter.

[2005, c. 511, §1 (AMD) .]

13. Radiologic technology. "Radiologic technology" means the use of a radioactive substance or equipment emitting ionizing radiation on human beings for diagnostic or therapeutic purposes.

[1983, c. 524, (NEW) .]

14. Radiological physicist. "Radiological physicist" means a person who has successfully completed education and training in medical radiological physics or one of the subspecialties of radiological physics.

[2005, c. 511, §1 (AMD) .]

15. Radiologist. "Radiologist" means a physician, certified by the American Board of Radiology or the American Osteopathic Board of Radiology, the British Royal College of Radiology or the Royal College of Physicians and Surgeons, who is licensed in this State or who has completed or who is actively pursuing the course of training equivalent to the course of training required for admission to these boards.

[1983, c. 524, (NEW) .]

16. Radiopharmaceutical. "Radiopharmaceutical" means a radioactive substance approved for administration to a patient to provide diagnostic information or deliver treatment for a specific disease.

[2005, c. 511, §1 (NEW) .]

SECTION HISTORY

1983, c. 524, (NEW). 2005, c. 511, §1 (AMD).

32 §9853. RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS

The Radiologic Technology Board of Examiners, as authorized by Title 5, chapter 379, shall administer this chapter. The board consists of 9 members appointed by the Governor. [1999, c. 687, Pt. E, §7 (AMD) .]

1. Appointment and membership. The membership of the board consists of 2 radiologists; 2 radiographers; one nuclear medicine technologist; one radiation therapist; one radiation physicist; and 2 public members as defined in Title 5, section 12004-A. The Governor may appoint these members from lists submitted by the following organizations or their successors.

A. Radiologist members may be appointed from lists submitted by the Maine Radiological Society. [1983, c. 524, (NEW) .]

B. The radiation physicist member may be appointed from lists submitted by the Maine Radiological Society. [1999, c. 687, Pt. E, §8 (AMD) .]

C. Radiologic technologist members may be appointed from lists submitted by the Maine Society of Radiologic Technologists, the Society of Nuclear Medicine Technologists and the New England Society of Radiation Therapy Technologists. [1983, c. 524, (NEW) .]

D. [1999, c. 687, Pt. E, §8 (RP) .]

E. [1999, c. 687, Pt. E, §8 (RP) .]

The list submitted by each organization must include at least 2 names for each position to be filled from that organization.

[2007, c. 402, Pt. X, §1 (AMD) .]

2. Term of office. The term of office is 3 years. Appointments of members must comply with Title 10, section 8009.

A member may be removed by the Governor for cause.

[2007, c. 402, Pt. X, §1 (AMD) .]

3. Meetings; chair quorum. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members.

[2007, c. 402, Pt. X, §1 (AMD) .]

4. Compensation.

[1995, c. 397, §93 (RP) .]

5. Quorum. Five voting members of the board constitute a quorum. No action may be taken by the board except by affirmative vote of the majority of those present and voting.

[2007, c. 402, Pt. X, §1 (AMD) .]

6. Powers and duties. The board has the following powers and duties:

A. To review the qualifications of applicants for licensure and to license radiographers, nuclear medicine technologists and radiation therapists who qualify under this chapter; [2005, c. 511, §3 (AMD) .]

B. To approve the qualifying examinations for radiographers, nuclear medicine technologists and radiation therapists, and to establish passing standards; [2007, c. 402, Pt. X, §1 (AMD) .]

C. To develop, in consultation with representatives of the appropriate disciplines, requirements for courses of study, training and examination for applicants for a limited license; and [2007, c. 402, Pt. X, §1 (AMD) .]

D. [2007, c. 402, Pt. X, §1 (RP) .]

E. To make rules in accordance with this chapter necessary for the enforcement of its authority and performance of its duties consistent with the Maine Administrative Procedure Act, Title 5, chapter 375. These rules may include, but not be limited to, licensing requirements, approved courses, examinations and continuing education requirements for renewal of licenses. [2007, c. 402, Pt. X, §1 (AMD) .]

F. [2007, c. 402, Pt. X, §1 (RP) .]

G. [2007, c. 402, Pt. X, §1 (RP) .]

H. [2007, c. 402, Pt. X, §1 (RP) .]

I. [2007, c. 402, Pt. X, §1 (RP) .]

J. [1995, c. 397, §95 (RP) .]

[2007, c. 402, Pt. X, §1 (AMD) .]

SECTION HISTORY

1983, c. 524, (NEW). 1985, c. 295, §§48,49 (AMD). 1985, c. 748, §42 (AMD). 1993, c. 600, §A261 (AMD). 1995, c. 397, §§93-95 (AMD). 1999, c. 687, §§E7-9 (AMD). 2001, c. 323, §27 (AMD). 2005, c. 511, §§2-4 (AMD). 2007, c. 402, Pt. X, §1 (AMD).

32 §9854. LICENSE REQUIRED; EXCEPTIONS

1. License required. A person may not practice or profess to be authorized to practice after September 1, 1984, as a radiographer, a nuclear medicine technologist or a radiation therapist unless that person is licensed in accordance with the provisions of this chapter.

[2009, c. 112, Pt. A, §15 (AMD) .]

2. Effect of Act. Nothing in this Act may limit, enlarge or affect the practice of licensed practitioners.

[1983, c. 524, (NEW) .]

3. Exceptions. The requirement of a license shall not apply to:

A. A dental hygienist licensed under chapter 16, subchapter IV; [1983, c. 524, (NEW).]

B. A dental assistant holding a valid license or certificate issued by the Maine State Board of Dental Examiners as a dental radiographer; [1983, c. 524, (NEW).]

C. A resident physician or a student enrolled in and attending a school or college of medicine, osteopathy, chiropractic, podiatry, dentistry or radiologic technology or an individual who is concurrently obtaining the education and clinical training required by the board by rule who applies ionizing radiation to a human being while under the supervision of a licensed practitioner; or [2005, c. 166, §1 (AMD).]

D. Any person serving in the United States Armed Services or public health service or employed by the Veterans' Administration or other federal agency performing his official duties, provided that the duties are limited to that service or employment. [1983, c. 524, (NEW).]

[2005, c. 166, §1 (AMD) .]

SECTION HISTORY

1983, c. 524, (NEW). 2005, c. 166, §1 (AMD). 2005, c. 511, §5 (AMD).
2009, c. 112, Pt. A, §15 (AMD).

32 §9855. QUALIFICATIONS

1. Radiographer. To qualify for a license as a radiographer, an applicant must meet the following requirements:

A. Be at least 18 years of age; [2005, c. 511, §6 (RPR).]

B. Have a high school diploma or its equivalent as determined by the Department of Education; and [2005, c. 511, §6 (RPR).]

C. Either have successfully completed a course of study in radiologic technology and an examination that is approved by the board or possess valid certification and current registration from the American Registry of Radiologic Technologists, or another certification program approved by the board to practice as a radiographer. [2005, c. 511, §6 (RPR).]

D. [2005, c. 511, §6 (RP).]

[2005, c. 511, §6 (RPR) .]

2. Nuclear medicine technologist. To qualify for a license as a nuclear medicine technologist, an applicant must meet the following requirements:

A. Be at least 18 years of age; [2005, c. 511, §6 (RPR).]

B. Have a high school diploma or its equivalent as determined by the Department of Education; and [2005, c. 511, §6 (RPR).]

C. Either have successfully completed a nuclear medicine technology program and an examination that is approved by the board or possess valid certification and current registration from the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board or another certification program approved by the board to practice as a nuclear medicine technologist. [2005, c. 511, §6 (RPR).]

D. [2005, c. 511, §6 (RP).]

[2005, c. 511, §6 (RPR) .]

3. Radiation therapist. To qualify for a license as a radiation therapist, an applicant must meet the following requirements:

- A. Be at least 18 years of age; [2005, c. 511, §6 (RPR).]
- B. Have a high school diploma or its equivalent as determined by the Department of Education; and [2005, c. 511, §6 (RPR).]
- C. Either have successfully completed a course in radiation therapy technology and an examination that is approved by the board or possess valid certification and current registration from the American Registry of Radiologic Technologists or its successor or other organization or another certification program approved by the board to practice as a radiation therapist. [2009, c. 112, Pt. A, §16 (AMD).]
- D. [2005, c. 511, §6 (RP).]

[2009, c. 112, Pt. A, §16 (AMD) .]

4. Limited radiographer license. For those applicants wishing to be licensed only for the limited purpose of using ionizing radiation for imaging purposes in the office of a licensed practitioner or for physician assistants practicing under section 3270-A or nurses practicing under section 2102, subsection 2, paragraph C in a clinic not required to be licensed under Title 22, chapter 405, the board shall grant a limited license and shall, in approving a course of study, training and examination for these applicants, consider the limited scope of practice of the various disciplines. Those aspects of study, training and examination relating to patient safety must be identical to the requirements for a full license.

[2005, c. 511, §6 (RPR) .]

SECTION HISTORY

1983, c. 524, (NEW). 1989, c. 700, §§A156-158 (AMD). 2005, c. 511, §6 (RPR). 2007, c. 402, Pt. X, §2 (AMD). 2009, c. 112, Pt. A, §16 (AMD).

32 §9856. APPLICATION; FEES

1. Application for license. To apply for a license as a radiographer, nuclear medicine technologist, radiation therapy technologist or for a limited license, an applicant shall:

- A. Submit a written application with supporting documents to the board ; [2007, c. 402, Pt. X, §3 (AMD).]
- B. Pay the application fee as set under section 9859-A; and [2007, c. 402, Pt. X, §3 (AMD).]
- C. Pay an examination fee as set under section 9859-A. [2007, c. 402, Pt. X, §3 (AMD).]

[2007, c. 402, Pt. X, §3 (AMD) .]

2. Denial of application. In case the application is denied and permission to take the examination is refused, the examination fee only is returned to the applicant. Any applicant who fails to pass the examination is entitled to reexamination within 6 months upon repayment of the examination fee only. Pursuant to section 9858, the board may issue a temporary license to an applicant who has failed an examination and is awaiting reexamination upon receipt of the fee as set under section 9859-A; the temporary license expires at such time as the board may by rule direct.

[2007, c. 402, Pt. X, §3 (AMD) .]

SECTION HISTORY

1983, c. 524, (NEW). 1983, c. 816, §A39 (RPR). 2001, c. 323, §28 (AMD). 2007, c. 402, Pt. X, §3 (AMD).

32 §9857. NONRESIDENTS; APPLICANTS LICENSED IN ANOTHER JURISDICTION

1. Reciprocal agreements. The board may enter into reciprocal agreements with other jurisdictions that have substantially similar licensure laws and accord substantially equal reciprocal rights to residents licensed in good standing in this State.

[2005, c. 511, §7 (NEW) .]

2. Applicants licensed in another jurisdiction. An applicant who is licensed under the laws of another jurisdiction is governed by this subsection.

A. An applicant who is licensed under the laws of a jurisdiction that has a reciprocal agreement with the board may obtain a license under the terms and conditions agreed upon through the reciprocal agreement. [2005, c. 511, §7 (NEW) .]

B. An applicant who is licensed in good standing at the time of application to the board under the laws of a jurisdiction that has not entered into a reciprocal agreement with the board may qualify for licensure by submitting evidence to the board that the applicant has actively practiced with a substantially equivalent license or by submitting evidence that the applicant's qualifications for licensure are substantially similar to those requirements in this chapter. [2005, c. 511, §7 (NEW) .]

C. All nonresident applicants must submit with the application an irrevocable consent to service of process on the applicant for an action filed in a court of this State arising out of the applicant's activities as a licensee in this State. Service may be made by delivery of the process to the Director of Licensing and Registration within the Department of Professional and Financial Regulation if, in the exercise of due diligence, a plaintiff cannot effect personal service upon the applicant. [2005, c. 511, §7 (NEW) .]

[2005, c. 511, §7 (NEW) .]

SECTION HISTORY

1983, c. 524, (NEW). 2005, c. 511, §7 (RPR).

32 §9858. TEMPORARY LICENSES; SPECIAL PERMITS

1. Temporary licenses. The board may issue a temporary license to any person whose application for licensure is pending before the board when issuance is justified by special circumstances and no danger to the public health or safety exists. A temporary license shall be issued only once and shall expire either when the results of the next examination administered by the board are known, if the applicant is required to take that examination, or 90 days following issuance of the temporary license. An exception may be made if the applicant fails the examination administered by the board. In that case, another temporary license may be issued and shall expire at such time as the board may by rule direct.

[1983, c. 672, (NEW) .]

2. Special permits. Upon special application by an individual, the board may issue a special permit to practice as a nuclear medicine technologist subject to the following conditions:

A. The applicant must possess a Maine license that is current and in good standing to practice as a radiographer; [2005, c. 511, §8 (AMD) .]

B. The board finds to its satisfaction that there is substantial evidence that the people in the locality of the state in which such exemption is sought would be denied adequate medical care because of unavailability of certified licensed practitioners or persons holding certificates pursuant to this chapter; and [1983, c. 672, (NEW).]

C. The special permit shall be granted for limited periods of time, not to exceed one year, at which time the applicant shall be eligible for examination and licensure under this chapter. [1983, c. 672, (NEW).]

[2005, c. 511, §8 (AMD) .]

SECTION HISTORY

1983, c. 524, (NEW). 1983, c. 672, (RPR). 2005, c. 511, §8 (AMD).

32 §9859. LICENSURE RENEWAL; FEES

An original or renewal license fee as set under section 9859-A must be paid by the applicant or licensee. All licenses must be renewed as the Commissioner of Professional and Financial Regulation may designate, as set forth in Title 10, section 8003, subsection 4. Any license not renewed by the designated renewal date automatically expires. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee and renewal fee as set under section 9859-A. Any person who submits an application for renewal more than 90 days after the licensing renewal date must submit a renewal fee, late fee and additional late fee as set under section 9859-A and is subject to all requirements governing new applicants under this chapter, except that the board may, giving due consideration to the protection of the public, waive examination or other requirements. [2007, c. 402, Pt. X, §4 (AMD).]

SECTION HISTORY

1983, c. 524, (NEW). 1991, c. 509, §31 (AMD). 2001, c. 323, §29 (AMD). 2005, c. 511, §9 (AMD). 2007, c. 402, Pt. X, §4 (AMD).

32 §9859-A. FEES

The Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$100 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [2001, c. 323, §30 (NEW).]

SECTION HISTORY

2001, c. 323, §30 (NEW).

32 §9860. DISCIPLINARY ACTION

(REPEALED)

SECTION HISTORY

1983, c. 524, (NEW). 1993, c. 600, §A262 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. X, §5 (RP).

32 §9860-A. DENIAL OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [2007, c. 402, Pt. X, §6 (NEW).]

1. Substance abuse. Habitual substance abuse or abuse of other drugs listed as controlled substances by the drug enforcement administration that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients; or

[2007, c. 402, Pt. X, §6 (NEW) .]

2. Mental incompetence. A medical finding of mental incompetency.

[2007, c. 402, Pt. X, §6 (NEW) .]

SECTION HISTORY

2007, c. 402, Pt. X, §6 (NEW).

32 §9861. UNLICENSED PRACTICE

1. Penalties. Any person who violates section 9854 is subject to the provisions of Title 10, section 8003-C.

[2007, c. 402, Pt. X, §7 (AMD) .]

2. Injunction.

[2007, c. 402, Pt. X, §7 (RP) .]

SECTION HISTORY

1983, c. 524, (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. X, §7 (AMD).

32 §9862. FUNDS

(REPEALED)

SECTION HISTORY

1983, c. 524, (NEW). 1995, c. 397, §96 (RP).

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