

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 325

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO MEDICAL IMAGING AND RADIATION THERAPY PROTECTION ACT;
2 AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 58, TITLE
3 54, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FIND-
4 INGS AND INTENT, TO DEFINE TERMS, TO PROVIDE FOR SCOPE OF PRACTICE, TO
5 PROVIDE EXEMPTIONS FOR LICENSURE, TO PROVIDE THAT A LICENSE IS REQUIRED
6 TO PERFORM MEDICAL IMAGING OR RADIATION THERAPY, TO PROVIDE FOR LIMITA-
7 TIONS, TO ESTABLISH THE BOARD OF MEDICAL IMAGING AND RADIATION THERAPY
8 EXAMINERS AND ITS ORGANIZATION, TO PROVIDE FOR POWERS AND DUTIES OF THE
9 BOARD, TO PROVIDE REQUIREMENTS FOR ISSUANCE OF A LICENSE, TO PROVIDE FOR
10 ENDORSEMENT LICENSURE, TO PROVIDE FOR PROVISIONAL LICENSES, TO PROVIDE
11 FOR THE LICENSING OF EXISTING PRACTITIONERS OF MEDICAL IMAGING OR RA-
12 DIATION THERAPY, TO PROVIDE FOR RENEWAL OF LICENSES, TO REQUIRE CERTAIN
13 CERTIFICATIONS FOR LICENSURE, TO PROVIDE FOR CERTAIN FEES, TO PROVIDE
14 FOR THE DENIAL OF LICENSES, TO PROVIDE FOR DISCIPLINARY PROCEEDINGS AND
15 TO PROHIBIT CERTAIN ACTS.
16

17 Be It Enacted by the Legislature of the State of Idaho:

18 SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended
19 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
20 ter 58, Title 54, Idaho Code, and to read as follows:

21 CHAPTER 58

22 IDAHO MEDICAL IMAGING AND RADIATION THERAPY PROTECTION ACT

23 54-5801. SHORT TITLE. This chapter shall be known and may be cited as
24 the "Idaho Medical Imaging and Radiation Therapy Protection Act."

25 54-5802. LEGISLATIVE FINDINGS AND INTENT. The legislature hereby
26 finds and declares that the citizens of the state of Idaho are entitled to
27 the maximum protection from the harmful effects of excessive and improperly
28 performed medical imaging and radiation therapy procedures. Protection
29 can be increased by requiring appropriate education and training of per-
30 sons operating medical imaging equipment used to perform medical imaging
31 and radiation therapy procedures. It is therefore necessary to establish
32 standards of education and training for these operators and to provide for
33 appropriate examination and licensure.

34 54-5803. DEFINITIONS. As used in this chapter:

35 (1) "Board" means the board of medical imaging and radiation therapy
36 examiners created by this chapter.

37 (2) "Bone densitometry" means the determination of bone mass by means
38 of the radiation absorption by a skeleton or part of a skeleton.

1 (3) "Computed tomography" means the process of producing sectional and
2 three-dimensional images using external ionizing radiation.

3 (4) "Diagnostic medical sonographer" means a person who is licensed un-
4 der the provisions of this chapter to perform diagnostic medical sonography
5 procedures.

6 (5) "Diagnostic medical sonography" means the process of using high-
7 frequency sound waves with specialized equipment to direct the sound waves
8 into an area of the human body to generate a diagnostic image.

9 (6) "Fluoroscopy" means the creation or acquisition of dynamic images
10 using fluoroscopic equipment.

11 (7) "Fluoroscopy operator" means a physician assistant who is licensed
12 under the provisions of this chapter to perform fluoroscopy procedures.

13 (8) "Hybrid imaging equipment" means imaging equipment that combines
14 more than one (1) medical imaging modality into a single device.

15 (9) "Ionizing radiation" means gamma rays and X-rays, alpha and beta
16 particles, high-speed electrons, neutrons, protons and other atomic parti-
17 cles.

18 (10) "Licensed practitioner" means a person licensed to practice as a
19 podiatrist, chiropractor, dentist, physician or surgeon pursuant to this
20 title.

21 (11) "Limited X-ray machine operator" means a person who is licensed un-
22 der the provisions of this chapter to perform, under the supervision of a li-
23 censed practitioner, diagnostic radiography procedures or bone densitome-
24 try procedures using equipment that emits external ionizing radiation re-
25 sulting in diagnostic radiographic images of selected specific parts of hu-
26 man anatomy or bone density measurements.

27 (12) "Magnetic resonance imaging" means the creation or acquisition of
28 images generated by using radiofrequency signals within a magnetic field for
29 diagnostic or therapeutic purposes.

30 (13) "Magnetic resonance technologist" means a person who is licensed
31 under the provisions of this chapter to perform magnetic resonance proce-
32 dures using magnetic fields and radiofrequency signals.

33 (14) "Medical imaging" means any procedure or article intended for use
34 in the diagnosis or visualization of disease or other medical conditions in
35 human beings including, but not limited to, sonography, computed tomogra-
36 phy, fluoroscopy, magnetic resonance, nuclear medicine, radiography and
37 other procedures using ionizing radiation, high-frequency sound waves or
38 magnetic fields.

39 (15) "Mobile imaging" means any arrangement in which medical imaging
40 services are transported to various sites. "Mobile imaging" does not in-
41 clude movement within a hospital or movement to a site where the equipment
42 will be located permanently.

43 (16) "Nuclear medicine technologist" means a person who is licensed
44 under the provisions of this chapter to perform a variety of nuclear medicine
45 and molecular imaging procedures using sealed and unsealed radiation
46 sources, ionizing and nonionizing radiation, and adjunctive medicines; and
47 therapeutic procedures using unsealed radioactive sources.

48 (17) "Nuclear medicine technology" means the branch of medicine that
49 uses in vivo and in vitro administration, detection and measurement of

1 radionuclide radiation and adjunctive medications in the diagnosis and
2 treatment of disease.

3 (18) "Physician assistant" means a person licensed to practice as a
4 physician assistant pursuant to this title.

5 (19) "Public member" means a person who is a resident of the state but
6 who is not a licensed practitioner or a person who administers medical imag-
7 ing or radiation therapy procedures under the provisions of this chapter.

8 (20) "Radiation therapist" means a person who is licensed under the pro-
9 visions of this chapter to administer ionizing radiation to human beings for
10 therapeutic purposes.

11 (21) "Radiation therapy" means the use of ionizing radiation for the
12 purpose of treating disease.

13 (22) "Radiographer" means a person who is licensed under the provisions
14 of this chapter to perform a comprehensive set of diagnostic radiographic
15 procedures using external ionizing radiation to produce bone density mea-
16 surements and radiographic, fluoroscopic or digital images.

17 (23) "Radiography" means the process of obtaining an image for diagnos-
18 tic evaluation using external ionizing radiation or X-rays.

19 (24) "Radiologist" means a physician licensed in this state who is
20 board-eligible for certification or certified by the American board of radi-
21 ology, the American osteopathic board of radiology, the British royal col-
22 lege of radiology or the royal college of physicians and surgeons of Canada.

23 (25) "Radiologist assistant" means a licensed radiographer who is addi-
24 tionally licensed under this chapter to perform a variety of activities un-
25 der the supervision of a radiologist in the areas of patient care, patient
26 management, medical imaging or interventional procedures guided by medical
27 imaging.

28 54-5804. SCOPE OF PRACTICE. (1) Individuals licensed to perform radi-
29 ation therapy may perform computed tomography or magnetic resonance imaging
30 for treatment planning purposes.

31 (2) Individuals licensed to perform nuclear medicine technology may
32 perform computed tomography or magnetic resonance imaging for attenuation
33 correction on hybrid imaging equipment.

34 (3) No later than July 1, 2018, all individuals licensed to perform
35 medical imaging and radiation therapy who perform computed tomography for
36 diagnostic purposes must be certified in computed tomography by the American
37 registry of radiologic technologists, the nuclear medicine technologist
38 certification board or a certification organization recognized by the
39 board.

40 (4) Individuals licensed to perform radiography may perform fluo-
41 roscopy.

42 (5) Individuals licensed to perform radiologist assistant services may
43 provide initial imaging observations only to the supervising radiologist
44 and may not perform image interpretation, diagnose patients or prescribe
45 medications or therapies.

46 (6) Individuals issued a limited X-ray machine operator license may not
47 perform procedures involving the administration or utilization of contrast
48 media, or perform fluoroscopy, mammography, computed tomography, mobile

1 imaging, nuclear medicine, magnetic resonance, diagnostic medical sonogra-
2 phy or radiation therapy procedures.

3 (7) Individuals issued a fluoroscopy operator license may not perform
4 procedures involving radiography, mammography, computed tomography, mobile
5 imaging, nuclear medicine, magnetic resonance, diagnostic medical sonogra-
6 phy or radiation therapy procedures.

7 54-5805. EXEMPTIONS FOR LICENSURE. The provisions of this act shall
8 not apply to the following:

9 (1) A licensed practitioner performing medical imaging procedures or
10 administering radiation therapy;

11 (2) A registered dental hygienist licensed by the state;

12 (3) A dental assistant licensed by the state;

13 (4) A resident physician or a student enrolled in and attending a school
14 or college of medicine, chiropractic, podiatry, medical imaging or radia-
15 tion therapy, who performs medical imaging or radiation therapy procedures
16 on humans while under the supervision of a licensed practitioner or under
17 direct supervision of a diagnostic medical sonographer, magnetic resonance
18 technologist, nuclear medicine technologist, radiation therapist, radiog-
19 rapher or radiologist assistant holding a license under the provisions of
20 this chapter;

21 (5) A person administering medical imaging or radiation procedures who
22 is employed by the United States government when performing duties associ-
23 ated with that employment;

24 (6) A person performing medical procedures or radiation therapy on non-
25 human subjects or cadavers; and

26 (7) A person performing sonography procedures that do not generate a
27 recorded diagnostic medical image that is used to assess specific and lim-
28 ited information about a patient's immediate medical condition and limited
29 to a focused imaging target. A focused imaging target includes, but is not
30 limited to:

31 (a) Identification of an anatomical landmark or blood vessel for vascu-
32 lar access or administration of anesthesia;

33 (b) Assessment of fluid in a body cavity;

34 (c) Assessment of fetal presentation or heartbeat;

35 (d) Fetal monitoring during active labor; or

36 (e) Assessment of foreign body position or location.

37 54-5806. LICENSE REQUIRED -- LIMITATIONS. (1) On and after July 1,
38 2018, only a licensed practitioner or an individual licensed under the pro-
39 visions of this chapter may perform medical imaging or radiation therapy
40 procedures on humans for diagnostic or therapeutic purposes.

41 (2) The board shall establish licensure standards for individuals per-
42 forming diagnostic medical sonography, fluoroscopy, limited X-ray machine
43 operation, magnetic resonance imaging, nuclear medicine technology, radia-
44 tion therapy, radiography and for radiologist assistants.

45 (3) A person holding a license under this chapter may use radioactive
46 substances or equipment emitting ionizing radiation, high-frequency sound
47 waves or magnetic fields for medical imaging and radiation therapy proce-
48 dures on humans for diagnostic or therapeutic purposes only by prescription

1 of an individual authorized by the state to prescribe medical imaging or ra-
2 diation therapy procedures and under the supervision of a licensed practi-
3 tioner.

4 (4) Nothing in the provisions of this chapter relating to medical imag-
5 ing or radiation therapy shall limit or enlarge the practice of a licensed
6 practitioner herein defined.

7 54-5807. BOARD OF MEDICAL IMAGING AND RADIATION THERAPY EXAMINERS --
8 ORGANIZATION AND MEETINGS. (1) The board of medical imaging and radiation
9 therapy examiners is hereby created. The board shall consist of five (5)
10 members appointed by the governor and shall serve at the pleasure of the gov-
11 ernor. Board members shall, except for the initial appointments, be cur-
12 rently licensed and in good standing to engage in the practice of medical
13 imaging or radiation therapy in this state; shall be residents of the state
14 of Idaho; and shall be appointed within ninety (90) days following the effec-
15 tive date of this chapter. The members of the board shall consist of:

- 16 (a) One (1) radiologist;
17 (b) One (1) licensed practitioner;
18 (c) One (1) public member; and
19 (d) Two (2) persons who perform medical imaging.

20 (2) Initial appointments to the board shall be for the following terms:
21 one (1) shall be appointed for a term of one (1) year; two (2) for a term of
22 two (2) years; and two (2) for a term of three (3) years. Vacancies shall
23 be filled for an unexpired term only in the manner provided by the original
24 appointment. The initial members of the board who are not a licensed prac-
25 titioner or public member must meet the qualifications for licensure under
26 this act.

27 (3) In the event of the death, resignation or removal of any board mem-
28 ber before the expiration of the term to which the member is appointed, the
29 vacancy shall be filled for the unexpired portion of the term in the same man-
30 ner as the original appointment.

31 (4) Each member of the board shall receive an honorarium as provided in
32 section 59-509(n), Idaho Code.

33 (5) No public member shall have any association or relationship with a
34 licensed practitioner or person who performs medical imaging or radiation
35 therapy procedures that would prevent or in any way hinder the public member
36 in representing the interest of the public.

37 (6) The board shall meet annually and at such times as deemed neces-
38 sary and advisable by the chairman, or by a majority of its members, or by
39 the governor. Notice of all meetings shall be given in the manner prescribed
40 by rule. A majority of the board shall constitute a quorum at any meeting or
41 hearing.

42 54-5808. BOARD POWERS. The board shall have the following powers:

43 (1) To receive applications for licensure, determine the qualifica-
44 tions of persons applying for licensure, provide licenses to applicants
45 qualified under the provisions of this chapter and reinstate and deny li-
46 censes;

47 (2) To establish by rule and collect fees as prescribed by this chapter;

1 (3) To maintain records necessary to carry out its duties under this
2 chapter;

3 (4) To pass upon the qualifications and fitness of applicants for li-
4 censes and to adopt rules requiring annual continuing education as a condi-
5 tion for the renewal of licenses issued under this chapter;

6 (5) To prescribe by rule the minimum number of and qualifications for
7 continuing education units (CEUs) to be required of each medical imaging and
8 radiation therapy examiner seeking to obtain or renew a license in the state
9 of Idaho and for the approval of continuing education courses;

10 (6) To examine for, deny, approve, issue, revoke and suspend licenses
11 pursuant to this chapter and to conduct investigations and hearings in con-
12 nection with such actions;

13 (7) To establish requirements for reinstatement and renewal of li-
14 censes;

15 (8) To adopt and revise such rules as may be necessary to carry into ef-
16 fect the provisions of this chapter in compliance with chapter 52, title 67,
17 Idaho Code. The rules shall include, but shall not be limited to, a code of
18 ethics for medical imaging and radiation therapy examiners and licensed med-
19 ical imaging and radiation therapy examiner standards of practice;

20 (9) In any proceeding before the board authorized by this chapter, to
21 administer oaths or affirmations to witnesses appearing before it;

22 (10) To recover the actual costs and fees, including attorney's fees,
23 incurred by the board in the investigation and prosecution of a licensee upon
24 the finding of a violation of this chapter or a rule adopted or an order is-
25 sued by the board under this chapter;

26 (11) To take such action as may be necessary to enforce the provisions of
27 this chapter and to regulate the practice of medical imaging and radiation
28 therapy;

29 (12) In a final order, to impose a civil penalty not to exceed one thou-
30 sand dollars (\$1,000) for each violation by a licensee of this chapter or of
31 rules adopted by the board; and

32 (13) To authorize, by written agreement, the bureau of occupational li-
33 censes as its agent to act in its interest and, in its discretion, to contract
34 with the bureau of occupational licenses for those services deemed necessary
35 for the proper administration of this chapter.

36 54-5809. REQUIREMENTS FOR ISSUANCE OF A LICENSE. (1) In addition to
37 such other information as the board may require by rule, each applicant un-
38 der this act shall:

39 (a) At the time of application, be at least eighteen (18) years of age;

40 (b) Hold a high school diploma or have passed an approved equivalency
41 test;

42 (c) Submit an application in the form prescribed by the board;

43 (d) Pay the fee determined by the board by rule; and

44 (e) Provide evidence satisfactory to the board of having successfully
45 passed a nationally recognized competency examination approved by the
46 board by rule.

47 (2) Holders of a license under the provisions of this chapter shall dis-
48 play the official license document or a verified copy in each place of regu-
49 lar employment.

1 54-5810. ENDORSEMENT LICENSURE. An applicant who satisfies the board
2 that he is licensed or registered under the laws of another state, terri-
3 tory or jurisdiction of the United States, which in the opinion of the board
4 imposes substantially equivalent licensing requirements as this act, may,
5 upon the payment of the required fee and the approval of the application, be
6 licensed by endorsement pursuant to this act.

7 54-5811. PROVISIONAL LICENSE. (1) The board may grant an existing
8 practitioner of medical imaging or radiation therapy who does not qualify
9 for licensure under the provisions of this act a provisional license to prac-
10 tice medical imaging or radiation therapy upon filing an application with
11 the board and payment of the fee established by the board by rule.

12 (2) The provisional license shall be valid for one (1) year from the
13 date of its issue and may be renewed at the discretion of the board for ad-
14 ditional one (1) year periods up to a maximum of four (4) renewals. A pro-
15 visional license shall expire automatically upon the issuance of a full li-
16 cense.

17 (3) A provisionally licensed practitioner of medical imaging or ra-
18 diation therapy shall work under the general supervision of a licensed
19 practitioner of medical imaging or radiation therapy or under a licensed
20 practitioner at all times during which the provisionally licensed practi-
21 tioner of medical imaging or radiation therapy performs medical imaging or
22 radiation therapy. An application for extension of the provisional license
23 shall be signed by the supervisor. General supervision shall not require
24 the physical presence of the provisional licensee's supervisor at the loca-
25 tion where such provisional licensee provides medical imaging or radiation
26 therapy services; however, the supervisor shall be readily accessible by
27 telephone or electronically for consultation and assistance whenever such
28 provisional licensee provides such services.

29 54-5812. LICENSING OF EXISTING PRACTITIONERS OF MEDICAL IMAGING OR
30 RADIATION THERAPY. Until July 1, 2018, an individual who does not qualify for
31 licensure under this chapter may apply to the board for licensure, and the
32 board may approve the application if the individual has paid the required
33 fees and:

34 (1) Has worked as a practitioner of medical imaging or radiation ther-
35 apy for a minimum of ten (10) years preceding the enactment of these provi-
36 sions with at least five (5) of those years being the five (5) years immedi-
37 ately preceding the application for a license;

38 (2) Submits three (3) letters of recommendation from individuals who
39 have worked with the applicant in an employment setting, including at least
40 one (1) letter from a practitioner of medical imaging or radiation therapy
41 who qualifies for licensure under this chapter and one (1) letter from a li-
42 censed practitioner; and

43 (3) Provides documentation satisfactory to the board that he has com-
44 pleted formal training in medical imaging or radiation therapy as determined
45 by the board and has practiced medical imaging or radiation therapy for at
46 least five (5) hours per week on average for at least the five (5) years imme-
47 diately prior to the date of application.

1 54-5813. RENEWAL OF LICENSES. (1) All licenses issued under the pro-
2 visions of this chapter shall be subject to annual renewal and shall expire
3 on the licensee's birthday unless renewed in the manner prescribed by the
4 board regarding applications for renewal, continuing education and fees and
5 in compliance with section 67-2614, Idaho Code.

6 (2) In addition to such other requirements as the board may establish
7 by rule, each applicant shall present satisfactory evidence when seeking li-
8 cense renewal that in the period since the license was issued or last renewed
9 the applicant has completed the amount of board-approved continuing educa-
10 tion required by the board by rule. The board may waive all or a portion of
11 these requirements or grant an extension of time in which to complete these
12 requirements upon a finding of good cause.

13 54-5814. CERTIFICATIONS FOR LICENSURE. (1) An applicant for a license
14 to perform diagnostic medical sonography shall be certified and registered
15 in sonography by the American registry of diagnostic medical sonography, the
16 American registry of radiologic technologists or by a certification organi-
17 zation recognized by the board.

18 (2) An applicant for a license to perform magnetic resonance imaging
19 shall be certified and registered in magnetic resonance imaging by the Amer-
20 ican registry of radiologic technologists or by a certification organiza-
21 tion recognized by the board.

22 (3) An applicant for a license to perform nuclear medicine shall be cer-
23 tified and registered in nuclear medicine by the American registry of ra-
24 diologic technologists or by the nuclear medicine technology certification
25 board or by a certification organization recognized by the board.

26 (4) An applicant for a license to perform radiation therapy shall be
27 certified and registered in radiation therapy by the American registry of
28 radiologic technologists or by a certification organization recognized by
29 the board.

30 (5) An applicant for a license to perform radiography shall be certi-
31 fied and registered in radiography by the American registry of radiologic
32 technologists or by a certification organization recognized by the board.

33 (6) An applicant for a license to perform radiologist assistant ser-
34 vices shall be licensed as a radiographer and certified and registered as a
35 radiologist assistant by the American registry of radiologic technologists
36 or as a radiology practitioner assistant by the certification board of ra-
37 diology practitioner assistants. Radiologist assistant license applicants
38 shall submit to the board clinical protocols signed by the supervising ra-
39 diologist specifying procedures that are performed by the radiologist as-
40 sistant, levels of radiologist supervision and locations of practice des-
41 ignated by the supervising radiologist. Updated protocols shall be submit-
42 ted biannually consistent with license renewal. The radiologist assistant
43 scope of practice shall be consistent with the most recent version of the ra-
44 diologist assistant practice standards published by the American society of
45 radiologic technologists.

46 (7) An applicant for a limited X-ray machine operator license shall
47 pass an examination approved by the board. The board may contract with the
48 American registry of radiologic technologists to administer an examination.
49 The board may accept certification from the American chiropractic registry

1 of radiologic technologists for persons applying for a limited permit in
 2 spine radiography and working only in chiropractic facilities. The board
 3 may accept certification from the American society of podiatric medical as-
 4 sistants for persons applying for a limited permit in podiatric radiography
 5 and working only in podiatric facilities.

6 (8) The license of a limited X-ray machine operator shall be limited in
 7 scope through the issuance of permits to perform diagnostic X-rays on spe-
 8 cific anatomical areas of the human body. The anatomical areas for which a
 9 limited X-ray machine operator may be licensed are:

10 (a) Chest radiography: radiography of the thorax, heart and lungs;

11 (b) Extremities radiography: radiography of the upper and lower ex-
 12 tremities, including the pectoral girdle;

13 (c) Spine radiography: radiography of the vertebral column;

14 (d) Skull and sinus radiology: radiography of the skull and facial
 15 structures;

16 (e) Podiatric: radiography of the foot, ankle and lower leg below the
 17 knee; and

18 (f) Bone densitometry: Individuals who are certified by the interna-
 19 tional society for clinical densitometry or who have successfully com-
 20 pleted the American registry of radiologic technologists bone densito-
 21 metry examination shall be granted a license to perform bone densitome-
 22 try measurement.

23 (9) An applicant for a fluoroscopy operator license shall be a physi-
 24 cian assistant licensed under this title who has:

25 (a) Completed forty (40) hours of didactic education in radiation
 26 safety, radiation protection, equipment operation, image acquisition,
 27 patient positioning and other subject areas determined by the board;

28 (b) Documented forty (40) hours of clinical education supervised by a
 29 radiologist or licensed radiographer; and

30 (c) Successfully completed the American registry of radiologic tech-
 31 nologists fluoroscopy examination. The board shall determine by rule
 32 the examination score that constitutes successful completion.

33 (10) Persons who have been engaged in the practice of medical imaging or
 34 radiation therapy, other than a radiologist assistant or fluoroscopy oper-
 35 ator, who do not hold a current registration from a voluntary professional
 36 certification organization approved by the board, may continue to practice
 37 in the modality of medical imaging or radiation therapy in which they are
 38 currently employed provided that they:

39 (a) Register with the board on or before July 1, 2018;

40 (b) Do not change the scope of their current practice;

41 (c) Complete all continuing education requirements for their area of
 42 practice biannually as prescribed by the board;

43 (d) Practice only under the supervision of a licensed practitioner; and

44 (e) Obtain a license from the board on or before July 1, 2023.

45 54-5815. FEES. (1) The board shall establish by rule fees for licen-
 46 sure under the provisions of this chapter as follows:

47 (a) An application fee not to exceed two hundred dollars (\$200);

48 (b) A fee established by rule for an initial full license not to exceed
 49 two hundred dollars (\$200);

1 (c) A fee established by rule for a provisional license, an endorse-
2 ment license and for an existing medical imaging or radiation therapy
3 license not to exceed two hundred dollars (\$200);

4 (d) The fee established by rule for annual renewal of licenses not to
5 exceed two hundred dollars (\$200); and

6 (e) Fees charged pursuant to paragraph (b), (c) or (d) of this subsec-
7 tion shall be in addition to the application fee.

8 (2) All fees received under the provisions of this chapter shall be non-
9 refundable and shall be deposited in the state treasury to the credit of the
10 occupational license account in the dedicated fund, and all costs and ex-
11 penses incurred by the board under the provisions of this chapter shall be
12 a charge against and paid from the account for such purposes, and the funds
13 collected hereunder shall be immediately available for the administration
14 of this chapter, the provisions of any other law notwithstanding.

15 54-5816. DENIAL OF LICENSE AND DISCIPLINARY PROCEEDINGS. (1) The
16 board may refuse to issue, refuse to renew, revoke, suspend or otherwise
17 sanction a licensee upon the following grounds:

18 (a) Fraud or deception in procuring or renewing the license;

19 (b) Having been found guilty, convicted, or placed on probation; hav-
20 ing entered into a guilty plea that is accepted by the court; forfeited
21 bail, bond or collateral deposited to secure a defendant's appearance;
22 or having received a withheld judgment or suspended sentence of a felony
23 by a court of competent jurisdiction;

24 (c) Gross incompetence or unprofessional conduct;

25 (d) Fraud or deceit in connection with services rendered as a genetic
26 counselor or in establishing qualifications for licensure under this
27 chapter;

28 (e) Violation of any of the provisions of this chapter or any of the
29 rules promulgated by the board under the authority of this chapter;

30 (f) Failure to comply with a board order;

31 (g) Having had a license revoked or suspended or having been otherwise
32 disciplined by the board or the proper authorities of another state,
33 territory or country;

34 (h) Habitual drunkenness or addiction to habit-forming drugs, either
35 of which impairs the ability to perform work without danger to himself
36 or the public;

37 (i) Aiding or abetting any person not licensed or otherwise authorized
38 under this chapter in the practice of medical imaging or radiation ther-
39 apy in the state of Idaho;

40 (j) Representing himself as a person licensed to perform medical imag-
41 ing or radiation therapy when he is unlicensed;

42 (k) Failing to maintain the requirements for a license or failing to
43 achieve the minimum CEUs required for the renewal of a license;

44 (l) Having a license or certification in a related field revoked or sus-
45 pended or having been otherwise disciplined in Idaho or any other state;
46 or

47 (m) Unethical or unprofessional conduct as defined by the rules of the
48 board or the code of ethics established by the rules of the board.

1 (2) The board may reinstate any revoked or suspended license upon such
2 terms as it may determine.

3 (3) The board may by rule provide a procedure for an applicant to re-
4 quest an exemption review for a felony or lesser crime conviction. The ap-
5 plicant shall bear the burden and financial responsibility of providing all
6 evidence, documentation and proof of suitability for licensure required by
7 the board for exemption review.

8 54-5817. CERTAIN ACTS PROHIBITED. It shall be unlawful and a misde-
9 meanor for any person to engage in any of the following acts:

10 (1) To practice medical imaging or radiation therapy or to represent
11 himself to be licensed in providing medical imaging or radiation therapy
12 without having at the time of so doing, a valid license issued under this
13 chapter; or

14 (2) To use in connection with his name or place of business, the titles
15 involved in medical imaging or radiation therapy, as provided in this chap-
16 ter, or any words indicating or implying that the person holds such a license
17 unless he is licensed in accordance with this chapter.