

CHAPTER 104
HB 1018 - FINAL VERSION

15Mar2022... 0929h

2022 SESSION

22-2225
11/10

HOUSE BILL

1018

AN ACT relative to the board of medical imaging and radiation therapy.

SPONSORS: Rep. Goley, Hills. 8; Rep. P. Schmidt, Straf. 19; Rep. McGuire, Merr. 29

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill changes the board of medical imaging and radiation therapy into an advisory board within the office of professional licensure and certification.

This bill is a request of the office of professional licensure and certification.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the board of medical imaging and radiation therapy.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 104:1 Medical Imaging and Radiation Therapy; Definitions; Board. Amend RSA 328-J:1, I to read as
2 follows:

3 I. "Board" means the ***advisory*** board of medical imaging and radiation therapy.

4 104:2 Medical Imaging and Radiation Therapy; Definitions; Certification Organization. Amend RSA
5 328-J:1, II to read as follows:

6 II. "Certification organization" means a national certification organization that specializes in the
7 certification and registration of medical imaging and radiation therapy technical personnel that is
8 accredited by the National Commission for Certifying Agencies, American National Standards Institute,
9 the International Organization for Standardization, or other accreditation organization recognized by the
10 [board] ***executive director***.

11 104:3 New Paragraph; Medical Imaging and Radiation Therapy; Definitions; Executive Director.
12 Amend RSA 328-J:1 by inserting after paragraph III the following new paragraph:

13 III-a. "Executive director" means the executive director of the office of professional licensure and
14 certification or designee.

15 104:4 Medical Imaging and Radiation Therapy; Advisory Board. RSA 328-J:3 is repealed and
16 reenacted to read as follows:

17 328-J:3 Advisory Board Established. The executive director shall establish an advisory board of
18 medical imaging and radiation therapy consisting of 3 members who are licensed and in good standing in
19 New Hampshire as a medical imaging professional. There shall be one alternate board member who has
20 the same qualifications set forth for advisory board members. Each member shall be appointed to a term
21 of 3 years. No member shall serve more than 2 consecutive full terms. The advisory board shall advise
22 the executive director regarding the implementation of this chapter.

23 104:5 Medical Imaging and Radiation Therapy; Reference Change. Amend RSA 328-J:7 through
24 328-J:9 to read as follows:

25 328-J:7 [Board] Responsibilities; Rulemaking Authority. The [board] ***executive director, in***
26 ***consultation with the board***, shall adopt rules, pursuant to RSA 541-A, relative to:

27 I. The qualifications of applicants in addition to those required by statute.

28 II. The content of all forms required under this chapter.

29 III. How an applicant shall be examined, including:

30 (a) Time and place of examination.

31 (b) The subjects to be tested.

32 (c) Passing grade.

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(d) Disposition of examination papers.

IV. Ethical standards, required to be met by each limited x-ray machine operator, medical imaging professional, and radiation therapist licensed under this chapter, and how a license may be revoked for violation of these standards.

V. Establishment of the scope of practice for limited x-ray machine operators, medical imaging professionals, and radiation therapists.

VI. Procedures for assuring the continuing competence of limited x-ray machine operators, medical imaging professionals, and radiation therapists licensed under this chapter including, but not limited to, continuing education requirements and the professional's health program.

VII. How licensees shall provide evidence of good professional character and reliability to satisfy the ~~[board]~~ **executive director** that they shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

VIII. Procedures for accepting and responding to written complaints, publicizing the complaint procedure, standards of and procedures for conducting investigations, investigator training requirements, and procedures for conducting disciplinary hearings and alternative dispute resolution under this chapter.

IX. Procedures relative to the disclosure to the public of final disciplinary actions by the ~~[board]~~ **executive director**, including those actions that occur without holding a public hearing. Dismissed complaints shall not be made public.

X. Standards of care for the practice of telemedicine or telehealth.

XI. Interstate licensure and temporary permits under RSA 328-J:20.

XII. Standards for educational program approval by the ~~[board]~~ **executive director**.

XIII. A process for reviewing the accreditation status of an educational program which is currently accredited by a recognized national educational accreditation organization.

328-J:7-a Criminal History Record Checks.

I. ~~The [board of medical imaging and radiation therapy]~~ **executive director** shall require criminal background checks for initial licensure, reinstatement of licensure or temporary licensure using a criminal history record release form, as provided by the New Hampshire division of state police which authorizes the release of his or her criminal history record, if any, to the ~~[board of medical imaging and radiation therapy]~~ **executive director**.

(a) The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the ~~[board of medical imaging and radiation therapy]~~ **executive director** may, in lieu of the criminal history records check, accept police clearances from every city, town or county where the person has lived during the past 5 years.

(b) The ~~[board of medical imaging and radiation therapy]~~ **executive director** shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation.

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1 Upon completion of the records check, the division of state police shall release copies of the public
2 conviction criminal history records to the ~~[board of medical imaging and radiation therapy]~~ **executive**
3 **director**.

4 II. The ~~[board of medical imaging and radiation therapy]~~ **executive director** shall review the
5 criminal record information prior to making a decision on licensure and shall maintain the confidentiality of
6 all criminal history records received pursuant to this section.

7 III. The applicant shall bear the cost of all criminal history record checks.

8 IV. The ~~[board]~~ **executive director** shall consider military security clearance for an individual
9 actively serving in any component of the Department of Defense in lieu of criminal background checks.

10 328-J:7-b Records of Licensees and Disciplinary History.

11 I. The ~~[board]~~ **executive director** shall maintain an electronic record of living or deceased persons
12 who have ever been licensed to practice ***in accordance with the retention policy established by the office.***
13 The list shall show the last known place of employment, the last known place of residence, the number of
14 the license, the most recent date of issuance, renewal, or reinstatement of the license, and the date the
15 license lapsed if applicable. No information shall be put on a list to be transferred to another entity for
16 commercial use without the permission of the person to whom the information applies.

17 II. The ~~[board]~~ **executive director** shall maintain a list of persons against whom the ~~[board]~~
18 **executive director** has taken any disciplinary action ***in accordance with the retention policy established by***
19 ***the office.*** This list shall include the name of the person, the reason for the disciplinary action, the date of
20 the disciplinary action, and the nature of the disciplinary action.

21 328-J:8 Educational Qualifications. The ~~[board]~~ **executive director, in consultation with the board,**
22 shall approve medical imaging and radiation therapy educational programs that the ~~[board]~~ **executive**
23 **director, in consultation with the board,** determines meet the criteria and standards established by the
24 ~~[board]~~ **executive director in consultation with the board.** The curriculum for each course of study shall be
25 no less stringent than the standards approved by the Joint Review Committee on Education in Radiologic
26 Technology, Joint Review Committee on Education in Nuclear Medicine Technology, Commission on
27 Accreditation of Allied Health Education Programs, or any other appropriate educational accreditation
28 agency approved by the ~~[board]~~ **executive director in consultation with the board.**

29 328-J:9 Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life
30 or health, the ~~[board]~~ **executive director** may order suspension of a license pending hearing for a period of
31 no more than 120 days. In such cases, the basis for the ~~[board's]~~ **executive director's** finding of imminent
32 danger to life or health shall be reduced to writing and combined with a hearing notice which complies
33 with RSA 328-J:18, I. A licensee may be allowed additional time to prepare for a hearing, but any
34 additional time for preparation shall result in an extension of the license suspension commensurate with
35 the additional time extended.

36 104:6 Board of Medical Imaging and Radiation Therapy; Reference Change. Amend RSA 328-J:11
37 through 328-J:21 to read as follows:

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328-J:11 Licensure; Medical Imaging Professionals and Radiation Therapists. The [board] *executive director, in consultation with the board*, shall issue licenses to individuals who meet the following qualifications:

I. Limited x-ray machine operator license. To qualify for a license as a limited x-ray machine operator, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in limited x-ray machine operation approved by the [board] *executive director*, and

(d) Pass an examination in limited x-ray machine operation approved by the board. To assess an applicant's competence in limited x-ray machine operation the board may use:

(1) The American Registry of Radiologic Technologist limited x-ray machine operator examination for limited bone density, chest, extremities, podiatric, skull/sinus, and podiatric radiography;

(2) The American Chiropractic Registry of Radiologic Technologists examination in spine radiography;

(3) The American Society of Podiatric Medical Assistants examination in podiatric radiography;

(4) The International Society for Clinical Densitometry examination in clinical bone densitometry technology; or

(5) A certification organization recognized by the [board] *executive director*.

II. Magnetic resonance technologist license. To qualify for a license as a magnetic resonance technologist, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in radiography and additional educational requirements in magnetic resonance technology approved by the board; and

(d) Possess current certification and registration in radiography from the American Registry of Radiologic Technologists or current certification and registration in magnetic resonance from the American Registry of Radiologic Technologists or a certification organization approved by the [board] *executive director*.

(e) By January 1, 2020, all applicants for a magnetic resonance technologist license shall be certified in magnetic resonance by the American Registry of Radiologic Technologists or a certification organization recognized by the [board] *executive director*.

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

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in nuclear medicine technology approved by the [board] *executive director*, and

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(d) Possess current certification and registration in nuclear medicine technology from the American Registry of Radiologic Technologists, Nuclear Medicine Technology Certification Board, or a certification organization recognized by the [board] **executive director**.

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

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in radiation therapy approved by the [board] **executive director**, and

(d) Possess current certification and registration in radiation therapy from the American Registry of Radiologic Technologists or a certification organization recognized by the [board] **executive director**.

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

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in radiography approved by the [board] **executive director**, and

(d) Possess current certification and registration in radiography from the American Registry of Radiologic Technologists or a certification organization approved by the [board] **executive director**.

VI. Radiologist assistant license. To qualify for a license as a radiologist assistant, an applicant shall meet the following requirements:

(a) Possess a radiographer license and current certification and registration in radiography from the American Registry of Radiologic Technologists or a certification organization approved by the [board] **executive director**,

(b) Possess current certification and registration as a radiologist assistant or radiology practitioner assistant from the American Registry of Radiologic Technologists, Certification Board of Radiology Physician Assistants or a certification organization approved by the [board] **executive director**, and

(c) Submit to the [board] **executive director** clinical protocols signed by the supervising radiologist specifying procedures that are performed by the radiologist assistant, levels of radiologist supervision, and locations of practice designated by the supervising radiologist. Updated protocols shall be submitted biannually consistent with license renewal. The radiologist assistant scope of practice shall be consistent with the most recent version of the Radiologist Assistant Practice Standards published by the American Society of Radiologic Technologists.

VII. Sonographer license. To qualify for a license as a sonographer, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

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(c) Successfully complete a course of study in sonography approved by the [board] *executive director*, and

(d) Possess current certification and registration in sonography from the American Registry of Radiologic Technologists, American Registry of Diagnostic Medical Sonography, Cardiovascular Credentialing International, or a certification organization approved by the [board] *executive director*.

VIII. Cardiac electrophysiology specialist licensure. To qualify for a license as a cardiac electrophysiology specialist, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in cardiac electrophysiology approved by the [board] *executive director*, and

(d) Possess current certification in cardiac electrophysiology from Cardiovascular Credentialing International or a certifying organization approved by the [board] *executive director*.

IX. Cardiovascular invasive specialist license. To qualify for a license as a cardiovascular invasive specialist, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in cardiovascular invasive procedures approved by the [board] *executive director*, and

(d) Possess current certification in cardiovascular invasive procedures from Cardiovascular Credentialing International or a certifying organization approved by the [board] *executive director*.

X. Computed tomography license. To qualify for a license in computed tomography, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in computed tomography approved by the [board] *executive director*, and

(d) Possess current certification and registration in tomography from the American Registry of Radiologic Technologists or a certification organization approved by the [board] *executive director*.

328-J:12 Scope of Practice; Limitations.

I. A person holding a license under this chapter may use radioactive substances, equipment emitting ionizing radiation, magnetic resonance, or ultrasound for medical imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes only by prescription of an individual authorized by the state to prescribe medical imaging or radiation therapy procedures and under the supervision of a licensed practitioner.

II. A person holding a license under this chapter may use radioactive substances or equipment emitting ionizing radiation, magnetic resonance, or ultrasound for medical imaging and radiation therapy procedures on humans for diagnostic or therapeutic purposes only within the scope of that license as specified in this chapter and under the rules adopted by the [board] *executive director*.

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1 III. Persons licensed as limited x-ray machine operators shall perform tasks only within the scope
2 of the specific permit issued to them by the [board] *executive director* and under the direct supervision of a
3 licensed practitioner or licensed radiographer for a particular area of the human anatomy as provided in
4 the chapter and shall not perform computed tomography, fluoroscopy, magnetic resonance imaging,
5 mammography, radiation therapy, sonography, mobile imaging procedures, or imaging procedures using
6 contrast media.

7 IV. Individuals licensed as a radiologist assistant shall not interpret images, make diagnoses, or
8 prescribe medications or therapies.

9 328-J:12-a Telemedicine. Persons licensed by the [board] *executive director* shall be permitted to
10 provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other
11 electronic media for the purpose of diagnosis, consultation, or treatment.

12 328-J:13 Applications; Temporary License.

13 I. Applications for licensure or for a temporary license shall be in the manner prescribed by the
14 office of professional licensure and certification, shall contain statements made under oath, showing the
15 applicant's education and a detailed summary of the applicant's technical work. The office of professional
16 licensure and certification shall establish fees for application and any examination required under this
17 chapter. If the [board] *executive director* denies the issuance of a license or a temporary permit to any
18 applicant, any initial fee deposited shall be retained as an application fee.

19 II. The [board] *executive director* may issue a temporary license to any person whose certification
20 and registration is pending for a period not to exceed 120 days. A temporary license shall be issued only
21 if the board finds that it will not violate the purpose of this chapter or endanger the public health and
22 safety.

23 II-a. If an applicant is required to take an examination, the [board] *executive director* may issue a
24 temporary license for a period not to exceed 90 days after the date of the next examination. If the
25 applicant does not take the examination on the scheduled date, the temporary license shall expire.

26 II-b. In all other cases, a temporary license shall expire when the determination is made either to
27 issue or deny the applicant a regular license.

28 III. New graduates awaiting national certification and registration may be issued a temporary
29 license for employment purposes for a period not to exceed one year.

30 IV. Any person issued a license under this chapter shall display the official license document or a
31 verified copy in each place of regular employment.

32 328-J:14 Educational Programs. All educational programs approved by the [board] *executive*
33 *director, in consultation with the board*, in radiography, radiation therapy, nuclear medicine technology,
34 magnetic resonance technology, sonography, radiologist assistant or limited x-ray machine operation may
35 be offered by a medical facility or educational institution. The program shall be affiliated with one or more
36 hospitals or clinics approved by the [board] *executive director* to provide the requisite clinical education.

37 328-J:15 License Renewal; Continuing Education.

38 I. The [board] *executive director* shall send, by mail or otherwise, notification of the impending
39 license expiration to each licensee at least 2 months prior to the expiration of the license, along with a

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request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the [board] **executive director** of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the [board] **executive director** for just cause.

II. All licenses issued by the [board] **executive director** shall expire on the last day of the licensee's month of birth in the second year following the year of issuance~~[, or upon such other biennial date as the board may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The board shall charge a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal application received 12 months after the expiration date shall be rejected, unless accompanied by proof of successful completion of the examination required by the board. Licensees shall complete at least 24 hours of board-approved continuing education during each license period in order to maintain his or her license. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be re-examined for licensure].~~
A licensee who fails to renew a license prior to the expiration date shall submit an application for reinstatement to obtain licensure.

III. Licensees who have been activated by the military shall be exempt from any penalties or fees for renewal or reinstatement due to their absence, as approved by the [board] **executive director**.

328-J:16 Notification of Changes. Licensees shall notify the [board] **executive director** in writing within 30 days after a name or address change.

328-J:17 Required Reporting. A licensee shall submit written notification to the [board] **executive director** of any legal or disciplinary action other than minor traffic infractions or proceedings initiated against the licensee by any other licensing jurisdiction whether United States or foreign, any health care institution, any professional society or association, any certification organization, any government agency, by any law enforcement agency, or any court within 30 days for acts or conduct substantially the same as acts or conduct which would constitute grounds for suspension, denial, modification, limitation, revocation, or refusal to renew a license.

328-J:18 Hearings.

I. The [board] **executive director** shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and appropriately pursued by the [board] **executive director**. Written complaints received by the [board] **executive director** shall be acknowledged within 3 months of the date of notice to the [board] **executive director**. Written notice of all disciplinary decisions made by the [board] **executive director** shall be given to both parties to the proceeding upon their issuance.

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1 II. The [board] *executive director* shall have the power to administer oaths or affirmations,
2 preserve testimony, subpoena witnesses, and to compel, by subpoena duces tecum, the production of all
3 books, records, files and documents, whether originals, copies, or in electronic or other form, and other
4 materials, relevant to its investigation of any grievance, complaint, or disciplinary proceeding before the
5 [board] *executive director*.

6 (a) The [board] *executive director* may issue subpoenas with the approval of the office of the
7 attorney general.

8 (b) A minimum of 10 business days' notice shall be given for compliance with a subpoena
9 under this chapter.

10 III. At any hearing, the named person or licensee shall have the right to:

11 (a) Appear in person, by counsel, or both.

12 (b) Produce evidence and witnesses.

13 (c) Cross-examine witnesses.

14 IV. If the named person fails or refuses to appear, the [board] *executive director* may proceed to
15 hear and determine the validity of the charges.

16 V. Any disciplinary action by the [board] *executive director* shall be a public record in accordance
17 with RSA 91-A.

18 328-J:19 Penalties.

19 I. The [board] *executive director* may deny, suspend, revoke, or refuse to renew a license or
20 impose probationary conditions on a license if the licensee or applicant for licensure has engaged in any
21 of the following conduct:

22 (a) Obtaining a license by means of fraud, misrepresentation, or concealment of material
23 facts.

24 (b) Engaging in unprofessional conduct pursuant to rules adopted by the [board] *executive*
25 *director*.

26 (c) Having been convicted of or pleaded guilty or nolo contendere to a crime involving moral
27 turpitude or any crime which indicates that the licensee or applicant is unfit or incompetent to administer
28 medical imaging or radiation therapy procedures or that the licensee or applicant has deceived or
29 defrauded the public.

30 (d) Engaging in any act or practice in violation of any of the provisions of this chapter or any
31 rule adopted by the [board] *executive director* or aiding, abetting, or assisting any person in such a
32 violation.

33 (e) Committing an act or acts of malpractice, gross negligence, or incompetence in
34 administering medical imaging or radiation therapy procedures.

35 (f) Practicing as a person licensed to administer medical imaging or radiation therapy
36 procedures without a current license.

37 (g) Engaging in conduct that could result in harm or injury to the public.

38 (h) Having a license issued under this chapter revoked or suspended or other disciplinary
39 action taken, whether in this state or another jurisdiction.

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(i) Being unfit or incompetent to administer medical imaging or radiation therapy services by reason of deliberate or negligent acts or omissions, regardless of whether actual injury to a patient is established.

II. The ~~[board]~~ **executive director**, upon making an affirmative finding under paragraph I, may take disciplinary action in any one or more of the following ways:

(a) By written reprimand.

(b) By suspension, refusal to renew, limitation or restriction of a license, or probation for a period of time determined to be reasonable by the ~~[board]~~ **executive director**.

(c) By revocation of a license.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient.

(e) By requiring the person to practice under the direct supervision of a medical imaging professional or radiation therapist for a period of time specified by the ~~[board]~~ **executive director**.

(f) By assessing civil penalties, after notification and due process, in amounts established by the ~~[board]~~ **executive director** which shall not exceed \$2,500 per offense or, in the case of continuing offenses, \$250 for each day the violation continues, whichever is greater.

III. The denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license may be ordered by the ~~[board]~~ **executive director** after a hearing held in accordance with RSA 328-J:18 and rules adopted by the ~~[board]~~ **executive director**. An application may be made to the ~~[board]~~ **executive director** for reinstatement of a revoked license if the revocation has been in effect for at least 2 years after the date of the ~~[board's]~~ **executive director's** order revoking the license.

328-J:20 Violations. It shall be a class A misdemeanor for any natural person or a felony for any business organization to:

I. Present or attempt to use the license of another as one's own;

II. Give any false or forged evidence of any kind to the ~~[board or to any board member]~~ **executive director** in obtaining a license;

III. Falsely impersonate any other licensee of like or different name;

IV. Attempt to use an expired or revoked license; or

V. Violate any of the provisions of this chapter.

328-J:21 Injunctive Relief. The ~~[board]~~ **executive director** is hereby authorized to apply ~~[in its own name]~~ for relief by injunction to the superior court, to enforce the provisions of this chapter or to restrain any violation of the provisions of this chapter. In such proceedings, it shall be unnecessary to allege or to prove that either an adequate remedy at law does not exist or that substantial or irreparable damage would result from any continued violation. The ~~[members of the board]~~ **executive director** shall not be personally liable under these proceedings.

104:7 Medical Imaging and Radiation Therapy; Investigative Costs; Reference Changed. Amend RSA 328-J:23 to read as follows:

328-J:23 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by the ~~[board]~~ **executive director**, where the ~~[board]~~ **executive director** has found misconduct sufficient to support

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disciplinary action, including but not limited to a violation of this chapter or an administrative rule adopted under this chapter, the [board] *executive director* may require the registrant who is the subject of such finding to pay the board a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not exceed \$5,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the [board] *executive director* as part of the penalty. The investigative and prosecution costs shall be assessed by the [board] *executive director* and any sums recovered shall be credited to the [board's] *office of professional licensure and certification* fund and disbursed by the [board] *executive director* for any future investigations of complaints and activities [that violate this chapter or rules adopted under this chapter].

104:8 Medical Imaging and Radiation Therapy; Exemptions. Amend RSA 328-J:25, IX to read as follows:

IX. A person licensed to perform a medical imaging or radiation therapy modality, who is performing clinical procedures under the supervision of a licensed practitioner or a person holding a license under this chapter in the supervised modality, in preparation for certification in an additional medical imaging or radiation therapy modality. To receive this exemption, the person shall register with the [board] *executive director* and meet the requirements as specified in this chapter and under the rules adopted by the board. The [board] *executive director* may grant this exemption for a period not to exceed 3 years and the exemption may be renewed by the [board] *executive director*.

104:9 Repeal. The following are repealed:

I. RSA 328-J:4 through RSA 328-J:6, relative to the functions and organization of the board of medical imaging and radiation therapy.

II. RSA 328-J:24, relative to reports submitted by the board of medical imaging and radiation therapy.

104:10 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 27, 2022
Effective Date: July 26, 2022