

LOUISIANA STATE
RADIOLOGIC TECHNOLOGY
LICENSING STATUTE

LOUISIANA REVISED
STATUTE

37:3200-3219

CHAPTER 45. LICENSED RADIOLOGIC TECHNOLOGIST

Section

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R.S. 37:3200-3219

PROFESSIONS AND OCCUPATIONS

This Chapter enacted as Chapter 44 of Title 37 by Acts 1984, No. 485 § 1 to contain R.S. 37:3171 to 37:3190 under the heading "Medical Radiation Health and Safety Act", was redesignated as Chapter 45, containing R.S. 37:3200 to 37:3219 under the heading "Licensed Radiologic Technologist", on authority of R.S. 24:253.

§ 3200. Definitions As used in this Chapter:

- (1) "Board" means the Radiologic Technology Board of Examiners.
- (2) "License" means a certificate issued by the board authorizing the licensee to use radioactive materials or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes in accordance with the provisions of this chapter.
- (3) "Licensed practitioner" means a person licensed to practice medicine, dentistry, podiatry, chiropractic, or osteopathy in this state, or an advanced practice registered nurse licensed to practice in this state.
- (4) "Nuclear medicine technologist" means a person, other than a licensed practitioner, who under the direction and supervision of a licensed practitioner uses radioactive materials on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner.
- (5) "Radiation therapy technologist" means a person, other than a licensed practitioner, who under the direction and supervision of a licensed practitioner applies radiation to humans for therapeutic purposes upon prescription of a licensed practitioner.

- (6) “Radiographer” means a person, other than a licensed practitioner, who under the direction and supervision of a licensed practitioner applies radiation to humans for diagnostic purposes upon prescription of a licensed practitioner.
- (7) “Radiologic technologist” means any person who is a radiographer, a radiation therapy technologist or a nuclear medicine technologist licensed under this Chapter who under the direction and supervision of a licensed practitioner applies radiation to humans upon prescription of a licensed practitioner.
- (8) “Radiologic technology” means the use of a radioactive substance or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner.
- (9) “Radiological physicist” means a person who is certified by the American Board of Radiology in radiological physics or one of the subspecialties of radiological physics or who is eligible for such certification.
- (10) “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 certified as a radiologist by the Canadian College of Physicians and Surgeons.

Added by Acts 1984, No. 485, § 1. R.S. 37:3171, as enacted by Acts 1984, No. 485, § 1. Amended by Acts 2001, No. 640, § 1, was redesignated R.S. 37:3200 on authority of R.S. 24:253.

Title of Act:

An Act to enact Chapter 44 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3171 through R.S. 37:3190, and to enact R.S. 36:259(E)(17); to provide relative to the regulation and licensing of radiologic technologists; to provide for definitions; to provide for the creation of the Radiologic Technology Board of Examiners and for the appointment, terms, qualifications, compensation, and expenses of board members; to provide for the domicile, officers and meetings of the board and for its powers and duties; to provide for placement of the board in the Department of Health and Human Resources and for the respective powers, duties, functions, and responsibilities of the board and the department; to provide for the qualification, examination and licensing of radiologic technologists, and for exemptions from examination and licensing; to provide for prohibited acts and penalties; to provide for fees, to provide for causes and procedures for disciplinary action; and otherwise to provide with respect to related matters. Acts 1984, No. 485.

§ 3201. Radiologic Technology Board of Examiners; method of appointment; qualifications of members

A. There is hereby created within the Department of Health and Human Resources the Radiologic Technology Board of Examiners which shall carry out the purposes and enforce the provisions of this Chapter, subject to the provisions of R.S. 36:803.

B. (1) The board shall consist of eleven members appointed by the governor of whom:

- (a) Four shall be radiologic technologists, selected from a list of names submitted by the Louisiana Society of Radiologic Technologists.
- (b) Three shall be hospital administrators, each of whom shall be currently employed by a hospital, selected from a list of nine names submitted by the Louisiana Hospital Association.
- (c) Three shall be radiologists selected from a list of nine names submitted by the Louisiana State Medical Society; and
- (d) One shall be a radiological physicist.

(2) Each appointment by the governor shall be submitted to the Senate for confirmation.

- C. Board members shall be residents of the state who have been actively practicing in their fields for not less than five years.
- D. The radiologic technologists initially appointed to the board must be eligible for licensure pursuant to the provisions of this Chapter; thereafter, radiologic technologists appointed to the board must be licensed pursuant to the provisions of this Chapter.
- E. Each hospital administrator appointed to the board pursuant to Subsection B of this Section shall remain employed by a hospital for the duration of his membership on the board. Any hospital administrator who ceases to be employed by a hospital shall be ineligible to serve on the board and shall immediately resign therefrom. If such member fails to resign, the board shall, at its next meeting, remove such member by a vote of a majority of its members.

37:3201 on authority of R.S. 24:253. This paragraph and subparagraph designations in subsec. B of this section as enacted in 1984, and attendant punctuational changes, were made on authority of R.S. 24:253. 1986 Amendment: In Par. B. (1)(a.) added "shall be selected from a list of names submitted by the "Louisiana Society of Radiologic Technologists." 1992 Amendment: In Par B. (1)(c.) added "each of whom shall be currently employed by a hospital," after "administrators" and before "selected from". Deleted in § 3201(2) after "Senate confirmation.", "shall again be submitted by the governor to the Senate for confirmation every two years after the initial confirmation." 1992 Amendment: In § 3201 Par. B. (2) E was added.

§3202. Terms of members; vacancies

- A. The members of the board shall serve at the pleasure of the appointing governor.
- B. Vacancies shall be filled for an unexpired term in the manner of original appointment.

Added by Acts 1984, No. 485, § 1. R.S. 37:3173, as enacted by Acts 1984, No 485, § 1, was redesignated R.S. 37:3202 on authority of R.S. 24:253.

§3203. Domicile of board

The domicile of the board shall be Baton Rouge, Louisiana.

Added by Acts 1984, No 485, § 1. R.S. 37:3174, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3203 on authority of R.S. 24:253.

§3204. Officers of the board

- A. The board shall annually elect a chairman, a secretary-treasurer and one or more vice chairmen. Each officer shall serve for one year or until his successor is elected.
- B. Any officer may be removed from office for proper cause by a majority vote of the board. Such officer must be given due notice and a hearing.

Added by Acts 1984, No. 485, §1. R.S. 37:3175, as enacted by Acts 1984, No. 485, §1, was redesignated R.S. 37:3204 on authority of R.S. 24:253.

§ 3205. Meeting; quorum

- A. The chairman of the board, or in his absence the highest ranking vice chairman, shall preside at all meetings.
- B. The board, for administrative purposes, shall meet in Baton Rouge, Louisiana at least every three months and at such other times as may be necessary.
- C. (1) The first meeting of the board shall be for organizational purposes only, at which time it will pursuant to the Administrative Procedure Act propose rules and regulations and establish the responsibilities of members.

(2) The first meeting of the board shall be held within ninety days after the effective date of this Chapter.

D. A majority of the board constitutes a quorum. No action may be taken by the board except by affirmative vote of the majority of the members present and voting.

Added by Acts 1984, No. 485, 1. R.S. 37:3176, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3205 on authority of R.S. 24:253. The paragraph designations in subsec. C of this section as enacted in 1984 were made on authority of R.S. 24:253.

§ 3206. Compensation of members; expenses

A. Members of the board shall receive a per diem of fifty dollars for each day in actual attendance at meetings. Each member shall be reimbursed for his actual travel, clerical, and incidental expenses necessarily incurred while engaged in the discharge of his official duties. The per diem and expenses shall be paid out of the monies credited to the board as provided in R.S. 37:3189(B)

B. The board shall expend funds received under this Chapter for the purpose of meeting the expenses incurred by the board in the performance of its duties and functions under this Chapter.

Added by Acts 1984, No. 485, § 1. R.S. 37:3177, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3206 on authority of R.S. 24:253.

§ 3207. Duties and powers of the board

A. The board shall:

(1) Formulate rules to govern its actions.

(2) Examine, license, renew licenses of, and issue temporary working permits to duly qualified applicants for licensure as radiologic technologists.

(3) Promulgate pursuant to the Administrative Procedure Act minimum standards for the accreditation of educational programs to train individuals to perform radiologic procedures in the state.

(4) Conduct hearings upon charges calling for discipline of a licensee.

(5) Keep a record of all board proceedings.

(6) Adopt and revise rules and regulations pursuant to the Administrative Procedure Act necessary to enable the board to administer the provisions of this Chapter.

(7) Have all other powers necessary and proper to the performance of its duties.

B. The board may:

(1) Establish pursuant to the Administrative Procedure Act a code of ethics for radiologic technologists.

(2) Establish pursuant to the Administrative Procedure Act continuing education requirements for license renewal.

(3) Employ legal counsel to represent the board in all matters pertaining to the administration of this Chapter and fix the compensation and define the duties of such counsel.

Added by Acts 1984, No. 485, § 1. Amended by Acts 1985, No. 797, 1. R.S. 37:3178, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3207 on authority of R.S. 24:253. 1985. Amendment: In par. A(2), substituted "renew licenses of, and issue temporary working permits to" for "and renew license of".

§ 3208. Qualifications of applicants

A. An applicant for licensure under the provisions of this Chapter must verify by oath or affirmation that he is:

(1) At least eighteen years of age and

(2) Has successfully completed a four-year course of study in a secondary school approved by the State Board of Elementary and Secondary Education, passed an approved equivalency test, or have graduated from a secondary school outside Louisiana having comparable approval.

B. Each applicant for a license as a radiologic technologist shall have successfully completed a course of study in radiography, radiation therapy technology or nuclear medicine technology approved by the board in accordance with standards promulgated by the board.

Added by Acts 1984, No. 485, § 1. R.S. 37:3179, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3208 on authority of R.S. 24:253. The paragraph designations in subsec. A of this section as enacted in 1984 were made on authority of R.S. 24:253.

§ 3209. Examination

A. Each applicant for licensure shall be required to pass a license examination designated and approved by the board.

B. The board shall hold an examination at least every six months at such times and in such localities within the state of Louisiana as the board may consider necessary and appropriate.

C. An applicant who fails to pass the examination may reapply for the examination provided the applicant complies with the regulations established by the board.

D. Each application for examination for licensure shall be accompanied by the fee prescribed by the board.

Added by Acts 1984, No. 485, § 1. R.S. 37:3180, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3209 on authority of R.S. 24:253.

§ 3210. Examination; persons exempt

A. Upon application and the payment of a fee equivalent to that required for the written examination and initial licensing fee, the board shall issue a license to any person who holds a current certificate from the American Registry of Radiologic Technologists, the American Society of Clinical Pathologists or the Nuclear Medicine Technology Certification Board issued on the basis of an examination satisfactory to the board, provided that the standards of the issuing body are at least as stringent as those established by the board.

B. Notwithstanding the provisions of R.S. 37:3208, for a period not to exceed one year from the effective date of this Chapter, upon application and the payment of a fee equivalent to that required for the written examination and initial licensing fee, the board shall issue a license, without examination, to any person who has been employed for a minimum of two years of the immediately preceding five years as a radiographer, nuclear medicine technologist or radiation therapy technologist.

C. Upon application for examination for initial licensure, the board may issue a working permit to any graduate of an approved school who meets the qualifications for licensure as provided in R.S. 37:3208 pending results of the first licensing examination scheduled by the board following the applicant's graduation.

Added by Acts 1984, No. 485, § 1. Amended by Acts 1985, No. 797, § 1. R.S. 37:3181, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3210 on authority of R.S. 24:253. The substitution, in this section as enacted in 1984 of "R.S. 37:3208" for "R.S. 37:3179" in subsec. B, was made on authority of R.S. 24:253. 1985 Amendment: Added subsec. C.

§3211. Licensure

The board shall issue a license to each applicant who has successfully passed the board examination or has otherwise been qualified under the provisions of this Chapter and authorize the use of the title “Licensed Radiologic Technologist”.

Added by Acts 1984, No. 485, §1. R.S. 37:3182, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3211 on authority of R.S. 24:253.

§ 3212. Licensing by reciprocity

The board shall issue a license without examination to persons who are licensed as radiologic technologists under the laws of other states provided that the standards under which they were licensed are at least as stringent as those established by the board.

Added by acts 1984, No. 485, § 1. R.S. 37:3183, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3212 on authority of R.S. 24:253.

§ 3213. Necessity of license; prohibited acts

A. No person shall assume or use the title or designation of “Licensed Radiologic Technologist” unless he holds a current license issued to him in accordance with the provisions of this Chapter.

B. No person, other than a licensed practitioner, dental hygienist, dental assistant, chiropractor’s assistant, person who performs diagnostic or therapeutic radiological examination or treatment, or both, in a private office of a physician or in a clinic performing such activities under the direct supervision of a physician or a Radiologic Technologist licensed under this Chapter, shall use ionizing radiation or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes.

C. No person shall knowingly employ as a radiologic technologist any person required by the provisions of this Chapter to hold a license who does not hold a license under this Chapter.

D. No person holding a license under this Chapter shall use radioactive substances or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes unless under the direction and supervision of a licensed practitioner and unless so directed by prescription of a licensed practitioner.

Added by Acts 1984, No. 485, § 1. R.S. 37:3184, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3213 on authority of R.S. 24:253.

§ 3214. Licensure; persons exempt

The requirements of a license shall not apply to:

- (1) A student enrolled in and attending a board approved educational program or college of radiologic technology who applies ionizing radiation to humans while under the supervision of a licensed practitioner or a licensed radiologic technologist.
- (2) Dental hygienists and dental assistants authorized by the Louisiana State Board of Dentistry to perform certain radiologic procedures for the purpose of diagnosis or treatment of dental conditions upon the direct supervision of a licensed dentist.
- (3) Chiropractors’ assistants certified and authorized by the Louisiana Board of Chiropractic Examiners to perform certain radiologic procedures for diagnostic purposes upon prescription of a licensed chiropractor.

(4) Persons certified and authorized by the Louisiana State Board of Medical Examiners to perform diagnostic or therapeutic radiological examinations or treatment or both on the premises of the private office of a physician or in a clinic in which a physician practices upon prescription of and under the direction and supervision of a licensed physician.

(5) Repealed by Acts 1985, No. 797, § 2.

Added by Acts 1984, No. 485, § 1. Amended by Acts 1985, No. 797, § 1. R.S. 37:3185, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3214 on authority of R.S. 24:253. In par. (5) as amended in 1984, "examination" was substituted for "examintion" on authority of R.S. 24:253. 1985 Amendment: In par. (1), following "attending a", deleted "school". Acts 1985, No. 797, § 2 repealed par. (5) of this section, which previously read:"(5) Persons who perform diagnostic or therapeutic radiological examination or treatment, or both, in the office of a licensed practitioner under the supervision of the licensed practitioner."

§ 3215. Renewal of License

A. Every person licensed under the provisions of this Chapter shall renew his license every two years. Upon the receipt of the application for renewal and the renewal fee, the board shall verify the accuracy of the application for renewal and issue to the applicant a certificate of renewal.

B. Renewal of a license issued under this Chapter may be contingent upon the fulfillment of continuing education requirements as promulgated by the board.

Added by Acts 1984, No. 485, § 1. R.S. 37:3186, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3215 on authority of R.S. 24:253.

§ 3216. Reinstatement of license

A radiologic technologist whose license has lapsed and who has ceased activities as a radiologic technologist for not more than five years may have his license reinstated upon payment of the renewal fee as provided for in R.S. 37:3218 and upon submission of evidence satisfactory to the board that he has fulfilled continuing education requirements as promulgated by the board.

Added by Acts 1984, No. 485, § 1. R.S. 37:3187, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3216 on authority of R.S. 24:253. The substitution, in this section as enacted in 1984, of "R.S. 37:3218" for R.S. 37:3189" was made on authority of R.S. 24:253.

§ 3217. Penalty

Any person who violates the provisions of R.S. 37:3213 shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than six months or both.

Added by Acts 1984, No. 485, § 1. R.S. 37:3188, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3217 on authority of R.S. 24:253. The substitution, in this section as enacted in 1984, of "R.S. 37:3213" for "R.S. 37:3184" was made on authority of R.S. 24:253.

§ 3218. Fees

A. Fees to be paid under this Chapter shall be as follows:

(1) Examination and initial license fee	50.00
(2) Duplicate license	25.00
(3) Renewal of license	50.00
(4) Temporary working permits	10.00

B. All fees collected pursuant to the provisions of this Section shall be paid to the Secretary-treasurer of the board and disbursed for the purpose of administering this Chapter.

Added by Acts 1984, No. 485, § 1. Amended by Acts 1985, No. 797, § 1. R.S. 37:3189, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3218 on authority of R.S. 24:253. 1985 Amendment: Added subpar. A(4).

§ 3219. Discipline; causes for censure, reprimand, suspension or revocation of license

A. The board may suspend or revoke any license to practice as a radiologic technologist or censure, reprimand, or otherwise discipline a licensee upon proof that the person:

- (1) Is guilty of fraud or deceit in the procurement or holding of the license.
- (2) Has been convicted of a felony in a court of competent jurisdiction, either within or outside of this state, unless the conviction has been reversed and the holder of the license discharged and acquitted; or if the holder has been pardoned with full restoration of civil rights, in which case the license shall be restored.
- (3) Is or has been afflicted with any medical problem, disability, or addiction which, in the opinion of the board, would impair professional competence.
- (4) Has aided and abetted a person who is not a licensed radiologic technologist or otherwise authorized by this Chapter to perform the duties of a license holder.
- (5) Has undertaken or engaged in any practice beyond the scope of duties permitted a license holder under this Chapter.
- (6) Has been found guilty of violations of a code of ethics which the board may establish by regulation.
- (7) Has interpreted a diagnostic image for a licensed practitioner, a patient, the patient's family, or the public.
- (8) Is or has been found guilty of incompetence or negligence in his performance as a license holder.
- (9) Has applied radiation to humans without a prescription from a licensed practitioner as defined in this Chapter.
- (10) Has applied radiation to humans without the direction and supervision of a licensed practitioner as defined in this Chapter.

B. Proceedings against the holder of a license under this Chapter shall be instituted in compliance with the provisions of the Administrative Procedure Act as contained in R.S. 49:950, et seq.

C. Appeals of the board's order imposing disciplinary action shall be made as provided in the Administrative Procedure Act.

Added by Acts 1984, No. 485, § 1. R.S. 37:3190, as enacted by Acts 1984, No. 485, § 1, was redesignated R.S. 37:3219 on authority of R.S. 24:253.

PART LVII. ACCESS TO MAMMOGRAMS ACT

§§1300.172.1 to 1300.172.3. [Blank}

§§1300.173. to 1300.180. [Blank}

§1300.181. Screening mammography permitted

A. Notwithstanding any provision of law to the contrary, including but not limited to R.S. 37:3213 and R.S. 37:3219, any person who may legally perform a mammography in this state may perform a screening mammography without the direction by prescription of a licensed practitioner.

B. A facility offering screening mammography may request a referral for a screening mammogram from a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners.

Added by Acts 2001, No. 1116, § 2.

§ 1300.182. Notification of results

A. Each patient shall be given the opportunity to name a physician to receive the results of any screening mammogram performed pursuant to this Part.

B. The results mailed to the patient and to the named physician shall clearly state whether the need for any follow-up care is indicated by the mammogram.

Added by Acts 2001, No. 1116, § 2.

§ 1300.183. Limitation of liability

A. Any liability or responsibility for any subsequent or follow-up care and treatment of an individual who receives a screening mammogram pursuant to this Part on the part of the performer of that screening mammogram or any physician performing an assessment of a screening mammogram shall cease upon delivery of the results or report of such screening mammogram to the screened or tested individual and to any physician named by the patient to receive such results. These results shall be sent by certified mail, return receipt requested, and shall comply with the reporting requirements for mammography results in the federal Mammography Quality Standards Act, 42 USC 263b, and any regulations promulgated pursuant thereto, including 21 CFR 900.1 et seq.

B. The liability of a supervising licensed practitioner for follow-up of patients following a screening mammogram shall be limited to informing the patient and a designated physician in accordance with the guidelines issued under the Mammography Quality Standards Act, 42 USC 263b, and any regulations promulgated pursuant thereto, including 21 CFR 900.1 et seq.

Added by Acts 2001, No. 1116, § 2.