

ASSEMBLY BILL

No. 352

Introduced by Assembly Member Eng

February 10, 2011

An act to add Chapter 7.75 (commencing with Section 3550) to Division 2 of the Business and Professions Code, relating to radiologist assistants.

LEGISLATIVE COUNSEL'S DIGEST

AB 352, as introduced, Eng. Radiologist assistants.

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law also provides for the certification and regulation of radiologic technologists by the State Department of Public Health.

This bill would enact the Radiologist Assistant Practice Act, which would require the licensure and regulation of radiologist assistants by the Radiologist Assistant Committee of the Medical Board of California and would prescribe the services that may be performed by a radiologist assistant under the direct supervision of a supervising radiologist, as defined. The bill would establish the Radiologist Assistant Committee of the Medical Board of California for purposes of implementing the act, the 7 members of which would be appointed by the Governor. The bill would require a radiologist assistant to meet specified licensure and programmatic requirements, including completion of an approved program that is certified by the committee, as specified. The bill would require a radiologist assistant to pay a licensure fee to be set by the committee and deposited into the Radiologist Assistant Fund which would be created by the bill in the State Treasury. The bill would make it a crime for a person to practice as a radiologist assistant or osteopathic

radiologist assistant without a license or for a radiologist assistant or osteopathic radiologist assistant to practice outside the scope of his or her practice, as specified, thereby imposing a state-mandated local program. The bill would also establish a diversion program for the rehabilitation of radiologist assistants with drug or alcohol problems, and would set forth other disciplinary provisions and procedures.

This bill would require the committee to adopt regulations relating to the licensure and certification of radiologist assistants and approval of supervising radiologists and approved programs by July 1, 2012, and would require the committee to commence licensure and certification on that date or as soon as possible thereafter.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 7.75 (commencing with Section 3550)
2 is added to Division 2 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 7.75. RADIOLOGIST ASSISTANTS

6
7 Article 1. General Provisions

8
9 3550. (a) In its concern with the growing shortage and
10 geographic maldistribution of medical imaging health care services
11 in California, the Legislature intends to establish in this chapter a
12 framework for development of a new category of health manpower
13 designated as the radiologist assistant.

14 (b) The purpose of this chapter is to encourage the more
15 effective utilization of the skills of radiologists by enabling them
16 to delegate health care tasks to qualified radiologist assistants
17 where this delegation is consistent with the patient's health and
18 welfare and with the laws and regulations relating to radiologist
19 assistants.

1 (c) It is also the intent of this chapter to license radiologist
2 assistants and radiologist practitioner assistants and to categorize
3 both groups under the title of radiologist assistant.

4 (d) This chapter is established to encourage the utilization of
5 radiologist assistants by radiologists and to provide that existing
6 legal constraints should not be an unnecessary hindrance to the
7 more effective use of medical imaging health care services. It is
8 also the purpose of this chapter to allow for innovative development
9 of programs for the education, training, and utilization of
10 radiologist assistants.

11 3550.1. This chapter shall be known and cited as the
12 Radiologist Assistant Practice Act.

13 3550.2. As used in this chapter:

14 (a) “Approved program” means a radiologist assistant program
15 or a radiologist practitioner assistant program for the education
16 and training of radiologist assistants that has been formally
17 approved by the committee for the licensure of radiologist
18 assistants.

19 (b) “Board” means the Medical Board of California.

20 (c) “Committee” means the Radiologist Assistant Committee
21 of the Medical Board of California.

22 (d) “Direct supervision” means the supervising radiologist shall
23 be physically present on the premises and available to the
24 radiologist assistant when medical services are rendered.

25 (e) “Medical imaging” means any procedure intended for use
26 in the diagnosis or treatment of disease or other medical conditions,
27 and includes, but is not limited to, X-rays, nuclear medicine, and
28 other procedures, and that excludes echocardiography and
29 diagnostic sonography.

30 (f) “Program manager” means the staff manager of the diversion
31 program, as designated by the executive officer of the committee.
32 The program manager shall have background experience in dealing
33 with substance abuse issues.

34 (g) “Radiologist” means a physician and surgeon licensed by
35 the board or by the Osteopathic Medical Board of California and
36 certified by, or board-eligible for, the American Board of
37 Radiology.

38 (h) “Radiologist assistant” means a person who meets the
39 requirements of Section 3552.2 and the other requirements of this
40 chapter.

1 (i) “Radiology practitioner assistant” means a person who is
2 certified by the Certification Board for Radiology Practitioner
3 Assistants.

4 (j) “Regulations” means the rules and regulations as contained
5 in the California Code of Regulations.

6 (k) “Supervising radiologist” means a radiologist who is
7 approved by the committee as provided in this chapter and who
8 supervises one or more radiologist assistants.

9 (l) “Supervision” means that a certified radiologist oversees the
10 activities of, and accepts responsibility for, the medical services
11 rendered by a radiologist assistant.

12 3550.3. (a) Notwithstanding any other provision of law, a
13 radiologist assistant licensed pursuant to Section 3552.2 may
14 perform those medical services as set forth by the regulations of
15 the board when the services are rendered under the direct
16 supervision of a radiologist who meets the requirements of
17 subdivision (a) of Section 3550.4.

18 (b) (1) A radiologist assistant and his or her supervising
19 radiologist shall establish written guidelines for the adequate
20 supervision of the radiologist assistant. This requirement may be
21 satisfied by the supervising radiologist adopting protocols for some
22 or all of the tasks performed by the radiologist assistant.
23 Radiologist assistants shall not interpret images, make diagnoses,
24 or prescribe medications or therapies. The protocols adopted
25 pursuant to this subdivision shall comply with the following
26 requirements:

27 (A) A protocol governing procedures shall set forth the
28 information to be provided to the patient, the nature of the consent
29 to be obtained from the patient, the preparation and technique of
30 the procedure, supervision of radiologic technologists by the
31 radiologist assistant in the performance of medical imaging
32 procedures, and followup care.

33 (B) Protocols shall be developed by the supervising radiologist
34 or adopted from, or referenced to, texts or other sources.

35 (C) Protocols shall be signed and dated by the supervising
36 radiologist and the radiologist assistant.

37 (2) Notwithstanding any other provision of law, the board or
38 the committee may establish other alternative mechanisms for the
39 adequate supervision of the radiologist assistant.

1 (c) A radiologist assistant licensed under this chapter may
2 supervise a radiologic technologist in the performance of medical
3 imaging procedures using fluoroscopy and is exempted from the
4 provisions of Section 107110 of the Health and Safety Code and
5 Section 30463 of Title 17 of the California Code of Regulations.

6 3550.4. (a) Notwithstanding any other provision of law, a
7 radiologist assistant licensed by the committee shall be eligible
8 for employment or supervision by any supervising radiologist who
9 is approved by the committee. A supervising radiologist shall
10 possess a current and valid license to practice medicine and may
11 not be on disciplinary probation for improper use of a radiologist
12 assistant or subject to a disciplinary condition imposed by the
13 board prohibiting employment or supervision of a radiologist.

14 (b) No radiologist shall supervise more than two radiologist
15 assistants at any one time.

16 3550.5. (a) Notwithstanding any other provision of law, a
17 radiologist assistant may perform those medical services permitted
18 pursuant to Section 3550.3 during any state of war emergency,
19 state of emergency, or local emergency, as defined in Section 8558
20 of the Government Code, and at the request of a responsible federal,
21 state, or local official or agency, or pursuant to the terms of a
22 mutual aid operation plan established and approved pursuant to
23 the California Emergency Services Act (Chapter 7 (commencing
24 with Section 8550) of Division 1 of Title 2 of the Government
25 Code), regardless of whether the radiologist assistant's approved
26 supervising radiologist is available to supervise the radiologist
27 assistant, so long as a licensed physician and surgeon is available
28 to render the appropriate supervision. "Appropriate supervision"
29 shall not require the personal or electronic availability of a
30 supervising physician and surgeon if that availability is not possible
31 or practical due to the emergency. The local health officers and
32 their designees, who are licensed as physicians and surgeons, may
33 act as supervising physicians and surgeons during emergencies
34 without being subject to approval by the board.

35 (b) No responsible official or mutual aid operation plan shall
36 invoke this section except in the case of an emergency that
37 endangers the health of individuals. Under no circumstances shall
38 this section be invoked as the result of a labor dispute or other
39 dispute concerning collective bargaining.

1 3550.6. (a) A person licensed under this chapter who in good
 2 faith renders emergency care at the scene of an emergency that
 3 occurs outside both the place and course of that person’s
 4 employment shall not be liable for any civil damages as a result
 5 of any acts or omissions by that person in rendering the emergency
 6 care.

7 (b) This section shall not be construed to grant immunity from
 8 civil damages to any person whose conduct in rendering emergency
 9 care is grossly negligent.

10 (c) In addition to the immunity specified in subdivision (a), the
 11 provisions of Article 17 (commencing with Section 2395) of
 12 Chapter 5 shall apply to a person licensed under this chapter when
 13 acting pursuant to delegated authority from an approved
 14 supervising radiologist.

15 3550.7. No person other than one who has been licensed to
 16 practice as a radiologist assistant shall practice as a radiologist
 17 assistant or in a similar capacity to a radiologist or hold himself
 18 or herself out as a “radiologist assistant.”

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Article 2. Administration

22 3551. There is established a Radiologist Assistant Committee
 23 of the Medical Board of California. The committee consists of
 24 seven members.

25 3551.1. Protection of the public shall be the highest priority
 26 for the Radiologist Assistant Committee of the Medical Board of
 27 California in exercising its licensing, regulatory, and disciplinary
 28 functions. Whenever the protection of the public is inconsistent
 29 with other interests sought to be promoted, the protection of the
 30 public shall be paramount.

31 3551.2. (a) The members of the committee shall include a
 32 member of the board, a physician and surgeon representative of a
 33 California medical school who is a radiologist, an educator
 34 participating in an approved program for the education of
 35 radiologist assistants, a radiologist who is not a member of the
 36 board, two radiologist assistants, one of whom is certified as a
 37 radiologist assistant by the American Registry of Radiologic
 38 Technologists and one of whom is certified by the Certification
 39 Board for Radiology Practitioner Assistants, and a public member.

1 (b) Each member of the committee shall hold office for a term
2 of four years expiring on January 1, and shall serve until the
3 appointment and qualification of a successor or until one year shall
4 have elapsed since the expiration of the term for which the member
5 was appointed, whichever first occurs. No member shall serve for
6 more than two consecutive terms. Vacancies shall be filled by
7 appointment for the unexpired terms.

8 (c) The Governor shall appoint each of the members of the
9 committee.

10 3551.3. The committee shall elect annually a chairperson and
11 a vice chairperson from among its members.

12 3551.4. Each member of the committee shall receive a per
13 diem and expenses as provided in Section 103.

14 3551.5. The Governor may remove from office any member
15 of the committee, as provided in Section 106.

16 3551.6. (a) The committee may convene from time to time as
17 deemed necessary by the committee.

18 (b) Notice of each meeting of the committee shall be given at
19 least two weeks in advance to those persons who and organizations
20 that express an interest in receiving notification.

21 (c) The committee shall receive permission of the director to
22 meet more than six times annually. The director shall approve
23 meetings that are necessary for the committee to fulfill its legal
24 responsibilities.

25 3551.7. It shall be the duty of the committee to do all of the
26 following:

27 (a) Establish standards and issue licenses for approved programs.

28 (b) Make recommendations to the board concerning the scope
29 of practice for radiologist assistants using the guidance of the
30 American Society of Radiologic Technologists, the American
31 Registry of Radiologic Technologists, the American College of
32 Radiology, and the Certification Board for Radiology Practitioner
33 Assistants.

34 (c) Make recommendations to the board concerning the
35 formulation of guidelines for the consideration of applications by
36 radiologists to supervise radiologist assistants and approval of
37 those applications.

38 (d) Require the licensure of radiologist assistant applicants who
39 meet the requirements of this chapter.

40 (e) Adopt regulations pursuant to Section 3552.1.

1 3551.8. The committee may adopt, amend, and repeal
2 regulations as may be necessary to enable it to carry into effect
3 the provisions of this chapter; provided, however, that the board
4 shall adopt, amend, and repeal such regulations as may be
5 necessary to enable it to implement the provisions of this chapter
6 under its jurisdiction. All regulations shall be in accordance with,
7 and not inconsistent with, the provisions of this chapter. All
8 regulations shall be adopted, amended, or repealed in accordance
9 with the provisions of Chapter 3.5 (commencing with Section
10 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

11 3551.9. Four members of the committee shall constitute a
12 quorum for transacting any business. The affirmative vote of a
13 majority of those present at a meeting of the committee shall be
14 required to carry any motion.

15 3552. Except as provided in Sections 159.5 and 2020, the
16 committee shall employ within the limits of the Radiologist
17 Assistant Fund all personnel necessary to carry out the provisions
18 of this chapter, including an executive officer who shall be exempt
19 from civil service. The board and committee shall make all
20 necessary expenditures to carry out the provisions of this chapter
21 from the fund established by Section 3553. The committee may
22 accept contributions to effect the purposes of this chapter.

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24 Article 3. Licensure and Certification

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26 3552.1. (a) The committee shall adopt regulations consistent
27 with Sections 3551.7 and 3552.2 for the consideration of
28 applications for licensure as a radiologist assistant.

29 (b) The committee shall adopt regulations consistent with
30 Sections 3551.7 and 3552.3 for the certification of approved
31 programs.

32 (c) The committee shall adopt regulations consistent with
33 Sections 3550.4 and 3551.7 for the approval of supervising
34 radiologists.

35 (d) The committee shall adopt the regulations described in this
36 section no later than July 1, 2012.

37 3552.2. Commencing July 1, 2012, or as soon as possible
38 thereafter, the committee shall issue under the name of the board
39 a license to each radiologist assistant applicant who meets all of
40 the following requirements:

1 (a) Provides evidence of successful completion of an approved
2 program.

3 (b) Is certified as a radiologist assistant by the American
4 Registry of Radiologic Technologists or as a radiology practitioner
5 assistant by the Certification Board for Radiology Practitioner
6 Assistants.

7 (c) Is licensed by the State Department of Public Health as a
8 diagnostic radiologic technologist and holds a radiologic
9 technologist fluoroscopy permit.

10 (d) Is not subject to denial of licensure under Division 1.5
11 (commencing with Section 475) or Section 3554.

12 (e) Pays all fees required under Section 3553.1.

13 3552.3. Commencing July 1, 2012, or as soon as possible
14 thereafter, the committee shall approve training programs for
15 radiologist assistants housed in academic institutions accredited
16 by a regional accrediting organization. The committee may
17 examine and issue certificates to approved programs that satisfy
18 the requirements of the regulations described in Section 3552.1.

19 3552.3.5. Commencing July 1, 2012, or as soon as possible
20 thereafter, the committee shall issue approvals to supervising
21 radiologists meeting the requirements of this chapter and the
22 regulations promulgated hereunder.

23 3552.4. (a) Every radiologist assistant applicant who has
24 complied with subdivision (a) of Section 3552.2 and has filed an
25 application with the committee may, between the date of receipt
26 of notice that the application is on file and the date of receipt of
27 his or her license, practice as a radiologist assistant on interim
28 approval under the supervision of a supervising radiologist. Prior
29 to practicing under interim approval, applicants shall notify the
30 committee in writing of any and all supervising radiologists under
31 whom they will be performing services. If the applicant fails to
32 take the next succeeding certification examination, fails to pass
33 the examination, or fails to receive a license, all privileges under
34 this section shall automatically cease upon written notification
35 sent to the applicant by the committee.

36 (b) The applicant shall provide evidence satisfactory to the
37 committee that an application has been filed and accepted for the
38 examination and that the organization certifying radiologist
39 assistants has been requested to verify the applicant's certification
40 status to the committee in order for the applicant to maintain

1 interim approval. The applicant shall be deemed to have failed the
 2 examination unless the applicant provides evidence to the
 3 committee within 30 days after scores have been released that he
 4 or she has passed the examination.

5 3552.5. (a) The committee may issue under the name of the
 6 board a probationary license to a radiologist assistant applicant
 7 subject to terms and conditions, including, but not limited to, any
 8 of the following conditions of probation:

9 (1) Practice is limited to a supervised, structured environment
 10 where the applicant’s activities are supervised by another
 11 radiologist assistant.

12 (2) Continuing medical or psychiatric treatment.

13 (3) Ongoing participation in a specified rehabilitation program.

14 (4) Enrollment in and successful completion of a clinical training
 15 program.

16 (5) Abstention from the use of alcohol or drugs.

17 (6) Restrictions against engaging in certain types of medical
 18 services.

19 (7) Compliance with all provisions of this chapter.

20 (b) The committee and the board may modify or terminate the
 21 terms and conditions imposed on the probationary license upon
 22 receipt of a petition from the licensee.

23 (c) Enforcement and monitoring of the probationary conditions
 24 shall be under the jurisdiction of the committee and the board.

25 (d) These proceedings shall be conducted in accordance with
 26 Chapter 5 (commencing with Section 11500) of Part 1 of Division
 27 3 of Title 2 of the Government Code.

28 3552.6. The committee shall keep current, two separate
 29 registers, one for approved supervising radiologists and one for
 30 licensed radiologist assistants. These registers shall show the name
 31 of each licensee, his or her last known address of record, and the
 32 date of his or her approved supervising radiologist and each
 33 approval or licensure, including those persons practicing under
 34 interim approval pursuant to Section 3552.4. Any interested person
 35 may obtain a copy of a register in accordance with the Information
 36 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
 37 of Title 1.8 of Part 4 of Division 3 of the Civil Code) upon
 38 application to the committee together with a sum as may be fixed
 39 by the committee, which amount shall not exceed the cost of the
 40 register so furnished.

Article 4. Revenue

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3553. Within 10 days after the beginning of each calendar month, the board shall report to the Controller the amount and source of all collections made under this chapter and at the same time pay all those sums into the State Treasury, where they shall be credited to the Radiologist Assistant Fund, which fund is hereby created. All money in the fund shall, upon appropriation by the Legislature, be used to carry out the purpose of this chapter.

3553.1. Fees to be paid by radiologist assistants and supervising radiologists for licensure, approval, and renewal shall be set by the committee in an amount sufficient to cover the reasonable and necessary costs of implementing and administering this chapter.

3553.2. The committee shall report to the appropriate policy and fiscal committees of each house of the Legislature whenever the board approves a fee increase pursuant to Section 3553.1.

3553.3. (a) An approval to supervise radiologist assistants shall expire at 12 midnight on the last day of the birth month of the radiologist assistant during the second year of a two-year term if not renewed.

(b) The board shall establish a cyclical renewal program, including, but not limited to, the establishment of a system of staggered expiration dates for approvals and a pro rata formula for the payment of renewal fees by supervising radiologists.

(c) To renew an unexpired approval, the supervising radiologist, on or before the date of expiration, shall apply for renewal on a form prescribed by the board and pay the prescribed renewal fee.

3553.4. (a) All radiologist assistant licenses shall expire at 12 midnight of the last day of the birth month of the licensee during the second year of a two-year term if not renewed.

(b) The committee shall establish by regulation procedures for the administration of a birth date renewal program, including, but not limited to, the establishment of a system of staggered license expiration dates.

(c) To renew an unexpired license, the licensee shall, on or before the date of expiration of the license, apply for renewal on a form provided by the committee, accompanied by the prescribed renewal fee.

3553.5. The committee shall require a licensee to complete continuing education, as deemed acceptable by the committee, as

1 a condition of license renewal under Section 3553.4. The
2 committee shall not require more than 50 hours of continuing
3 education every two years.

4 3553.6. (a) A suspended license is subject to expiration and
5 shall be renewed as provided in this chapter, but that renewal does
6 not entitle the holder of the license, while it remains suspended
7 and until it is reinstated, to practice or engage in the activity to
8 which the license relates, or engage in any other activity or conduct
9 in violation of the order or judgment by which the license was
10 suspended.

11 (b) A revoked license is subject to expiration as provided in this
12 chapter. If the license is reinstated after expiration, the licensee,
13 as a condition to reinstatement, shall pay a reinstatement fee in an
14 amount equal to the renewal fee in effect on the last preceding
15 regular renewal date before the date on which it is reinstated.

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17 Article 5. Denial, Suspension, and Revocation

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19 3554. (a) The committee may deny, issue with terms and
20 conditions, suspend or revoke, or impose probationary conditions
21 upon a radiologist assistant license after a hearing as required in
22 Section 3554.1 for unprofessional conduct that includes, but is not
23 limited to, a violation of this chapter, a violation of the Radiologic
24 Technology Act, as defined in Section 27 of the Health and Safety
25 Code, a violation of the applicable regulations adopted by the
26 committee or the board, or a breach of an ethics rule established
27 by a recognized national certification organization of radiologist
28 assistants.

29 (b) The committee may deny, approve with terms and
30 conditions, suspend or revoke, or impose probationary conditions
31 upon an approved program after a hearing as required in Section
32 3554.1 for a violation of this chapter or the regulations adopted
33 pursuant to this chapter.

34 (c) The committee may deny, approve with terms and conditions,
35 suspend or revoke, or impose probationary conditions upon an
36 approval of a supervising radiologist to supervise a radiologist
37 assistant, after a hearing as required in Section 3554.1, for
38 unprofessional conduct, which includes, but is not limited to, a
39 violation of this chapter, a violation of the Medical Practice Act,

1 or a violation of the regulations adopted by the committee or the
2 board.

3 (d) Notwithstanding subdivision (c), the board, in conjunction
4 with an action it has commenced against a radiologist, may order
5 the suspension or revocation of, or the imposition of probationary
6 conditions upon, an approval of a supervising radiologist to
7 supervise a radiologist assistant, after a hearing as required in
8 Section 3554.1, for unprofessional conduct, which includes, but
9 is not limited to, a violation of this chapter, a violation of the
10 Medical Practice Act, or a violation of the regulations adopted by
11 the committee or the board.

12 (e) The committee may deny, approve with terms and conditions,
13 suspend or revoke, or impose probationary conditions upon, a
14 radiologist assistant license, after a hearing as required in Section
15 3554.1, for unprofessional conduct that includes, except for good
16 cause, the knowing failure of a licensee to protect patients by
17 failing to follow infection control guidelines of the committee,
18 thereby risking transmission of bloodborne infectious diseases
19 from licensee to patient, from patient to patient, and from patient
20 to licensee. In administering this subdivision, the committee shall
21 consider referencing the standards, regulations, and guidelines of
22 the State Department of Public Health developed pursuant to
23 Section 1250.11 of the Health and Safety Code and the standards,
24 regulations, and guidelines pursuant to the California Occupational
25 Safety and Health Act of 1973 (Part 1 (commencing with Section
26 6300) of Division 5 of the Labor Code) for preventing the
27 transmission of HIV, hepatitis B, and other bloodborne pathogens
28 in health care settings. As necessary, the committee shall consult
29 with the board to encourage appropriate consistency in the
30 implementation of this subdivision. The committee shall seek to
31 ensure that licensees are informed of the responsibility of licensees
32 and others to follow infection control guidelines, and of the most
33 recent scientifically recognized safeguards for minimizing the risk
34 of transmission of bloodborne infectious diseases.

35 (f) The committee may order the licensee to pay the costs of
36 monitoring the probationary conditions imposed on the license.

37 3554.1. Any proceedings involving the denial, suspension, or
38 revocation of the application for licensure or the license of a
39 radiologist assistant, the application for approval or the approval
40 of a supervising radiologist, or the application for approval or the

1 approval of an approved program under this chapter shall be
2 conducted in accordance with Chapter 5 (commencing with Section
3 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

4 3554.2. The committee may hear any matters filed pursuant to
5 subdivisions (a) and (b) of Section 3554, or may assign any such
6 matter to a hearing officer. The board may hear any matters filed
7 pursuant to subdivision (c) of Section 3554, or may assign any
8 such matter to a hearing officer. If a matter is heard by the
9 committee or the board, the hearing officer who presided at the
10 hearing shall be present during the committee's or board's
11 consideration of the case, and, if requested, assist and advise the
12 committee or the board.

13 3554.3. (a) A person whose license or approval has been
14 revoked or suspended, or who has been placed on probation, may
15 petition the committee for reinstatement or modification of penalty,
16 including modification or termination of probation, after a period
17 of not less than the following minimum periods has elapsed from
18 the effective date of the decision ordering that disciplinary action:

19 (1) At least three years for reinstatement of a license or approval
20 revoked for unprofessional conduct, except that the committee
21 may, for good cause shown, specify in a revocation order that a
22 petition for reinstatement may be filed after two years.

23 (2) At least two years for early termination of probation of three
24 years or more.

25 (3) At least one year for modification of a condition,
26 reinstatement of a license or approval revoked for mental or
27 physical illness, or termination of probation of less than three years.

28 (b) The petition shall state any facts as may be required by the
29 board. The petition shall be accompanied by at least two verified
30 recommendations from radiologists licensed either by the board
31 or the Osteopathic Medical Board of California who have personal
32 knowledge of the activities of the petitioner since the disciplinary
33 penalty was imposed.

34 (c) The petition may be heard by the committee. The committee
35 may assign the petition to an administrative law judge designated
36 in Section 11371 of the Government Code. After a hearing on the
37 petition, the administrative law judge shall provide a proposed
38 decision to the committee that shall be acted upon in accordance
39 with the Administrative Procedure Act.

1 (d) The committee or the administrative law judge hearing the
2 petition may consider all activities of the petitioner since the
3 disciplinary action was taken, the offense for which the petitioner
4 was disciplined, the petitioner's activities during the time the
5 license or approval was in good standing, and the petitioner's
6 rehabilitative efforts, general reputation for truth, and professional
7 ability. The hearing may be continued as the committee or
8 administrative law judge finds necessary.

9 (e) The committee or administrative law judge, when hearing
10 a petition for reinstating a license or approval or modifying a
11 penalty, may recommend the imposition of any terms and
12 conditions deemed necessary.

13 (f) No petition shall be considered while the petitioner is under
14 sentence for any criminal offense, including any period during
15 which the petitioner is on court-imposed probation or parole. No
16 petition shall be considered while there is an accusation or petition
17 to revoke probation pending against the person. The committee
18 may deny, without a hearing or argument, any petition filed
19 pursuant to this section within a period of two years from the
20 effective date of the prior decision following a hearing under this
21 section.

22 (g) Nothing in this section shall be deemed to alter Sections 822
23 and 823.

24 3554.4. A plea or verdict of guilty or a conviction following a
25 plea of nolo contendere made to a charge of a felony or of any
26 offense that is substantially related to the qualifications, functions,
27 or duties of the business or profession to which the license was
28 issued is deemed to be a conviction within the meaning of this
29 chapter. The committee may order the license suspended or
30 revoked, or shall decline to issue a license when the time for appeal
31 has elapsed, or the judgment of conviction has been affirmed on
32 appeal or when an order granting probation is made suspending
33 the imposition of sentence, irrespective of a subsequent order under
34 the provisions of Section 1203.4 of the Penal Code allowing the
35 person to withdraw his or her plea of guilty and to enter a plea of
36 not guilty, or setting aside the verdict of guilty, or dismissing the
37 accusation, information, or indictment.

Article 6. Penalties

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3555. Any person who violates Section 3550.3 or 3550.7 shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

3555.5. Whenever any person has engaged in any act or practice that constitutes an offense against this chapter, the superior court of any county, on application of the board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. The board or the committee may commence action in the superior court under the provisions of this section.

Article 7. Diversion Program

3556. It is the intent of the Legislature that the committee shall seek ways and means to identify and rehabilitate radiologist assistants whose competency is impaired due to the abuse of dangerous drugs or alcohol so that they may be treated and returned to the practice of radiologist assisting in a manner that will not endanger the public health and safety.

3556.1. The committee shall establish and administer a diversion program for the rehabilitation of radiologist assistants whose competency is impaired due to the abuse of drugs or alcohol. The committee may contract with any other state agency or a private organization to perform its duties under this article subject to the standards set forth in Section 315.

3556.2. Criteria for acceptance into the diversion program shall include all of the following: (a) the applicant shall be licensed as a radiologist assistant by the committee and shall be a resident of California; (b) the applicant shall be found to abuse dangerous drugs or alcoholic beverages in a manner that may affect his or her ability to practice medicine safely or competently; (c) the applicant shall have voluntarily requested admission to the program or shall be accepted into the program in accordance with terms and conditions resulting from a disciplinary action; (d) the applicant shall agree to undertake any medical or psychiatric examination ordered to evaluate the applicant for participation in the program;

1 (e) the applicant shall cooperate with the program by providing
2 medical information, disclosure authorizations, and releases of
3 liability as may be necessary for participation in the program; and
4 (f) the applicant shall agree in writing to cooperate with all
5 elements of the treatment program designed for him or her.

6 An applicant may be denied participation in the program if the
7 committee or program manager determines that the applicant will
8 not substantially benefit from participation in the program or that
9 the applicant's participation in the program creates too great a risk
10 to the public health, safety, or welfare.

11 3556.3. A participant may be terminated from the program for
12 any of the following reasons: (a) the participant has successfully
13 completed the treatment program; (b) the participant has failed to
14 comply with the treatment program designated for him or her; (c)
15 the participant fails to meet the criteria set forth in Section 3556.2
16 or the regulations adopted pursuant to Section 3556.4; or (d) it is
17 determined that the participant has not substantially benefited from
18 participation in the program or that his or her continued
19 participation in the program creates too great a risk to the public
20 health, safety, or welfare. Whenever an applicant is denied
21 participation in the program or a participant is terminated from the
22 program for any reason other than the successful completion of
23 the program, and it is determined that the continued practice of
24 radiologist assisting by that individual creates too great a risk to
25 the public health and safety, that fact shall be reported to the
26 executive officer of the committee and all documents and
27 information pertaining to and supporting that conclusion shall be
28 provided to the executive officer. The matter may be referred for
29 investigation and disciplinary action by the committee. Each
30 radiologist assistant who requests participation in a diversion
31 program shall agree to cooperate with the recovery program
32 designed for him or her. Any failure to comply with that program
33 may result in termination of participation in the program.

34 The committee shall inform each participant in the program of
35 the procedures followed in the program, of the rights and
36 responsibilities of a radiologist assistant in the program, and the
37 possible results of noncompliance with the program.

38 3556.4. In addition to the criteria and causes set forth in Section
39 3556.2, the committee may set forth in its regulations additional

1 criteria for admission to the program or causes for termination
2 from the program.

3 3556.5. All committee records and records of proceedings and
4 participation of a radiologist assistant in a program shall be
5 confidential and are not subject to discovery or subpoena.

6 3556.6. A fee may be charged to participants for participation
7 in the program.

8 3556.7. If the committee contracts with any other entity to
9 carry out this article, the executive officer of the committee shall
10 review the activities and performance of the contractor on a
11 biennial basis. As part of this review, the committee shall review
12 files of participants in the program. However, the names of
13 participants who entered the program voluntarily shall remain
14 confidential, except when the review reveals misdiagnosis, case
15 mismanagement, or noncompliance by the participant.

16 3556.8. Participation in a diversion program shall not be a
17 defense to any disciplinary action that may be taken by the
18 committee. This section does not preclude the committee from
19 commencing disciplinary action against a radiologist assistant who
20 is terminated unsuccessfully from the program under this section.
21 That disciplinary action may not include as evidence any
22 confidential information.

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Article 8. Osteopathic Radiologist Assistants

26 3557. (a) Notwithstanding any other provision of law,
27 radiologists licensed by the Osteopathic Medical Board of
28 California may use or employ radiologist assistants provided (1)
29 each radiologist assistant so used or employed is a graduate of an
30 approved program and is licensed by the committee, and (2) the
31 scope of practice of the radiologist assistant is the same as that
32 which is approved by the Medical Board of California or the
33 committee for radiologist assistants in the same or similar specialty.

34 (b) Any person who violates subdivision (a) shall be guilty of
35 a misdemeanor punishable by imprisonment in a county jail not
36 exceeding six months, or by a fine not exceeding one thousand
37 dollars (\$1,000), or by both that imprisonment and fine.

38 SEC. 2. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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