

AMENDED IN ASSEMBLY APRIL 20, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1092

Introduced by Assembly Member Mullin

February 27, 2015

An act to add ~~Article 5.7 (commencing with Section 107120)~~ to Chapter 4 of Part 1 of Division 104 of the Health and Safety Code, relating to public health *Chapter 3.5 (commencing with Section 1400)* to Division 2 of the Business and Professions Code, relating to magnetic resonance imaging technologists.

LEGISLATIVE COUNSEL'S DIGEST

AB 1092, as amended, Mullin. Magnetic resonance imaging technologists.

Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs. Existing law also provides for the certification and regulation of radiologic technologists by the State Department of Public Health.

This bill would provide for the registration of magnetic resonance imaging (MRI) technologists, as defined, with the State Department of Public Health. The bill would authorize the department to issue a citation and civil penalty to a person acting as an MRI technologist without being registered. The bill would require the department to maintain an official roster of registered MRI technologists, and would authorize the department to impose fees on a registrant in an amount reasonably sufficient to cover the administrative costs of the registration program.

Existing law provides for the certification and regulation of radiologic technologists by the State Department of Public Health. Existing law authorizes the department to adopt regulations to implement those provisions, as specified. Existing law authorizes the department to charge a fee for a certificate issued under those provisions. Existing law requires a fee collected under those provisions to be deposited into the Radiation Control Fund, subject to appropriation by the Legislature. A violation of those provisions is a crime.

This bill would provide for the licensure of Magnetic Resonance Imaging (MRI) technologists and would make it a misdemeanor to operate a magnetic resonance imaging machine in this state without a license, except as provided. The bill would authorize a person licensed pursuant to these provisions to use the title Licensed MRI Technologist (LMRIT) and would make it a misdemeanor to use that title without a license. By creating new crimes, this bill would impose a state-mandated local program.

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-no*.

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

- 1 SECTION 1. Chapter 3.5 (commencing with Section 1400) is
- 2 added to Division 2 of the Business and Professions Code, to read:
- 3
- 4 CHAPTER 3.5. MAGNETIC RESONANCE IMAGING TECHNOLOGISTS
- 5
- 6 1400. For purposes of this chapter, the following definitions
- 7 apply:
- 8 (a) "Department" means the State Department of Public Health.
- 9 (b) "MRI" means magnetic resonance imaging.
- 10 (c) "MRI technologist" means a person who operates MRI
- 11 equipment to produce cross-sectional images of a patient's body
- 12 for diagnostic purposes.

1 1401. A person shall not hold himself or herself out as an MRI
2 technologist without registering with the department pursuant to
3 this chapter.

4 1402. (a) The department shall maintain an official roster of
5 registered MRI technologists, and shall record all of the following
6 information:

7 (1) The location, employer, and supervisor of each MRI
8 technologist.

9 (2) A description of the practice of each MRI technologist,
10 including the services provided.

11 (3) Any certification possessed by the MRI technologist, if
12 applicable.

13 (b) The department may impose a fee for the registration of an
14 MRI technologist in an amount that is no greater than the amount
15 reasonably sufficient to cover the administrative costs of the
16 registration program.

17 1403. A registered MRI technologist shall report to the
18 department any accident, within 30 days of its occurrence, that
19 resulted in injury or death to a patient, damage to the property of
20 a patient, or damage to the MRI equipment.

21 1404. The department may issue a citation to a person if he or
22 she is acting in the capacity of, or engaging in the practice of, an
23 MRI technologist without being registered with the department.
24 The citation shall contain an order of abatement and an assessment
25 of a civil penalty in an amount not less than two hundred dollars
26 (\$200) nor more than one thousand dollars (\$1,000).

27 1405. This chapter does not authorize an MRI technologist to
28 practice medicine, surgery, or any other form of healing.

29 ~~SECTION 1. Article 5.7 (commencing with Section 107120)~~
30 ~~is added to Chapter 4 of Part 1 of Division 104 of the Health and~~
31 ~~Safety Code, to read:~~

32

33 ~~Article 5.7. Magnetic Resonance Imaging Technologists~~

34

35 ~~107120. (a) A person shall not operate a magnetic resonance~~
36 ~~imaging machine in this state without a license issued pursuant to~~
37 ~~this article. Violation of this provision is a misdemeanor.~~

38 ~~(b) This section does not apply to any of the following:~~

39 ~~(1) A licentiate of the healing arts.~~

1 ~~(2) Students in an approved school for MRI technologists or~~
2 ~~other licentiates of the healing arts where the instructor is a licensed~~
3 ~~MRI technologist.~~

4 ~~(3) A person employed by an agency of the United States~~
5 ~~government while performing the duties of that employment.~~

6 ~~107121. For purposes of this article, the following definitions~~
7 ~~shall apply:~~

8 ~~(a) "Department" means the State Department of Public Health.~~

9 ~~(b) "MRI" means magnetic resonance imaging.~~

10 ~~(c) "MRI technologist" means a person who operates MRI~~
11 ~~equipment to produce cross sectional images of a patient's body~~
12 ~~for diagnostic purposes.~~

13 ~~107122. (a) The department shall license a person as an MRI~~
14 ~~technologist who fulfills all of the following requirements:~~

15 ~~(1) Completes and turns in to the department an application for~~
16 ~~licensure on a form prescribed by the department.~~

17 ~~(2) Pays the fee required for licensure as specified in subdivision~~
18 ~~(e).~~

19 ~~(3) Is certified by either the American Registry of Magnetic~~
20 ~~Resonance Imaging Technologists (ARMRIT) or the American~~
21 ~~Registry of Radiologic Technologists - MRI specialty (ARRT).~~

22 ~~(b) A license as an MRI technologist is effective for one year~~
23 ~~and may be renewed annually pursuant to a process prescribed by~~
24 ~~the department.~~

25 ~~(c) The department shall set a fee for initial licensure and~~
26 ~~renewal of an MRI technologist license at an amount no greater~~
27 ~~than the amount reasonably sufficient to cover the administrative~~
28 ~~costs of the licensing program.~~

29 ~~107123. A person licensed pursuant to this article may use the~~
30 ~~title Licensed MRI Technologist (LMRIT). Any other person using~~
31 ~~that designation shall be guilty of a misdemeanor.~~

32 ~~107124. A license as an MRI technologist may be denied,~~
33 ~~revoked, or suspended by the department for any of the following~~
34 ~~reasons:~~

35 ~~(a) Habitual intemperance in the use of alcoholic beverages,~~
36 ~~narcotics, or stimulants to the extent that the person is incapacitated~~
37 ~~for the performance of his or her professional duties.~~

38 ~~(b) Incompetence or gross negligence in performing MRI~~
39 ~~technologist functions.~~

1 ~~(e) Conviction of practicing one of the healing arts without a~~
2 ~~license in violation of Chapter 5 (commencing with Section 2000)~~
3 ~~of Division 2 of the Business and Professions Code.~~

4 ~~(d) Procuring a license by fraud, misrepresentation, or mistake.~~

5 ~~(e) Use of the title of Licensed MRI Technologist by one not~~
6 ~~entitled to that use.~~

7 ~~(f) Nonpayment of fees pursuant to subdivision (c) of Section~~
8 ~~107122.~~

9 ~~(g) (1) Conviction, either within the state or elsewhere, of a~~
10 ~~misdemeanor or felony involving moral turpitude, that was~~
11 ~~committed during the performance of MRI technologist duties. A~~
12 ~~plea or verdict of guilty or a conviction following a plea of nolo~~
13 ~~contendere made to a charge is deemed a conviction for this~~
14 ~~purpose.~~

15 ~~(2) Upon the recommendation, of either the court that imposed~~
16 ~~or suspended sentence or the parole or probation authority having~~
17 ~~jurisdiction of the person, that the person has responded to the~~
18 ~~correctional and rehabilitative process to a degree that might~~
19 ~~warrant waiver of the provisions of this subdivision, the department~~
20 ~~may, at its discretion, take no action pursuant to this subdivision.~~

21 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
22 ~~Section 6 of Article XIII B of the California Constitution because~~
23 ~~the only costs that may be incurred by a local agency or school~~
24 ~~district will be incurred because this act creates a new crime or~~
25 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
26 ~~for a crime or infraction, within the meaning of Section 17556 of~~
27 ~~the Government Code, or changes the definition of a crime within~~
28 ~~the meaning of Section 6 of Article XIII B of the California~~
29 ~~Constitution.~~