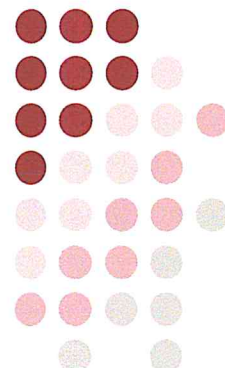

NORTH DAKOTA MEDICAL IMAGING AND RADIATION THERAPY BOARD



NORTH DAKOTA LAWS GOVERNING MEDICAL IMAGING AND RADIATION THERAPY PROFESSIONALS

NORTH DAKOTA CENTURY CODE

CHAPTER 43-62-01–43-62-21

AUGUST 1, 2019

RULES AND REGULATIONS

NORTH DAKOTA ADMINISTRATIVE CODE

ARTICLE 114-01–114-04

APRIL 1, 2020

LAW

NORTH DAKOTA CENTURY CODE

Chapter 43-62-01— 43-62-21

August 1, 2019

The ND Century Code 43-62 are the laws that govern medical imaging and radiation therapy practice and is adopted and amended by the ND State Legislature. A license to practice medical imaging and radiation therapy is a right and responsibility granted by the State of North Dakota to protect those in need of medical imaging and radiation therapy services. All licensees have a duty to understand the law and keep their practice in line with any changes in the law.

CHAPTER 43-62 MEDICAL IMAGING AND RADIATION THERAPY

43-62-01. Definitions.

As used in this chapter:

1. "Board" means the North Dakota medical imaging and radiation therapy board.
2. "Certification organization" means a national certification organization that specializes in the certification and registration of medical imaging and radiation therapy technical personnel and which has programs accredited by the national commission for certifying agencies, American national standards institute or the international organization for standardization, or other accreditation organization recognized by the board.
3. "Licensed practitioner" means a licensed physician, advanced practice registered nurse, chiropractor, dentist, or podiatrist.
4. "Licensee" means an individual licensed by the board to perform medical imaging or radiation therapy and operate medical imaging or radiation therapy equipment, including a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, limited x-ray machine operator, sonographer, or magnetic resonance imaging technologist.
5. "Medical imaging" means the performance of any diagnostic or interventional procedure or operation of medical imaging equipment intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including magnetic resonance imaging, fluoroscopy, nuclear medicine, sonography, or x-rays.
6. "Medical physicist" means an individual who is certified by the American board of radiology, American board of medical physics, American board of science in nuclear medicine, or Canadian college of physics in medicine in radiological physics or one of the subspecialties of radiological physics.
7. "Primary modality" means an individual practicing as a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, sonographer, or magnetic resonance imaging technologist.
8. "Protected health information" has the same meaning as provided under section 23-01.3-01.
9. "Radiation therapy" means the performance of any procedure or operation of radiation therapy equipment intended for use in the treatment of disease or other medical conditions in human beings.
10. "Radiation therapist" means an individual, other than a licensed practitioner or authorized user, who performs procedures and applies ionizing radiation emitted from x-ray machines, particle accelerators, or sealed radioactive sources to human beings for therapeutic purposes.

43-62-02. License required.

An individual may not perform or offer to perform medical imaging or radiation therapy on humans for diagnostic or therapeutic purposes or otherwise indicate or imply that the individual is licensed to perform medical imaging or radiation therapy unless that individual is licensed under this chapter.

43-62-03. Exemptions.

This chapter does not apply to the following:

1. A licensed practitioner performing medical imaging or radiation therapy.
2. A dental assistant or dental hygienist licensed under chapter 43-20.
3. A student enrolled in and attending a school or college of medicine, medical imaging, or radiation therapy who performs medical imaging or radiation therapy on humans while under the supervision of a licensed practitioner or a radiographer, radiation therapist, nuclear medicine technologist, radiologist assistant, sonographer, or

- magnetic resonance imaging technologist holding a license in the medical imaging or radiation therapy modality which the student is enrolled or attending.
4. An individual administering medical imaging or radiation therapy and who is employed by the United States government when performing duties associated with that employment.
 5. A nurse licensed under chapter 43-12.1 who performs sonography on a focused imaging target to assess specific and limited information about a patient's immediate medical condition or to provide real-time visual guidance for another procedure.
 6. Medical imaging performed as a part of a post-mortem examination or on other nonliving remains.
 7. Medical imaging performed by emergency medical services personnel certified or licensed under section 23-27-04.3.

43-62-04. North Dakota medical imaging and radiation therapy board.

1. The governor shall appoint a North Dakota medical imaging and radiation therapy board consisting of nine members including:
 - a. Five medical imaging or radiation therapy professionals chosen to represent the areas of radiography, radiation therapy, nuclear medicine technology, sonography, magnetic resonance imaging, and medical imaging or radiation therapy education;
 - b. One radiologist;
 - c. One medical physicist;
 - d. One physician from a rural area; and
 - e. One public member.
2. Each medical imaging or radiation therapy member of the board must:
 - a. Be a practicing medical imaging or radiation therapy licensee of integrity and ability.
 - b. Be a resident of and currently licensed pursuant to subsection 2 of section 43-62-14 in the member's primary modality in this state.
 - c. Be currently certified by a certification organization in the member's primary modality.
 - d. Have been engaged in the active practice of the medical imaging or radiation therapy profession within this state for a period of at least five years.
3. Each public member of the board must:
 - a. Be a resident of this state.
 - b. Be at least twenty-one years of age.
 - c. Not be affiliated with any group or profession that provides or regulates health care.
4. The radiologist, medical physicist, and physician members of the board must:
 - a. Be a practicing radiologist, medical physicist, or physician of integrity and ability.
 - b. Be a resident of and be licensed to practice as a physician or registered as a medical physicist in this state.
5. An individual appointed to the board shall qualify by taking the oath required of civil officers.

43-62-05. Term of office.

The term of office of each member of the board is four years and until a successor is appointed and qualified. The terms must be so arranged that no more than four terms expire on the thirty-first of July of each year. The governor shall fill all vacancies by appointment. In case of a vacancy before the expiration of a term, the appointment must be for the residue of the term. A member of the board may not serve on the board for more than two successive four-year terms.

43-62-06. Removal of members of the board.

The governor for good cause shown and upon the recommendation of three-fourths of the members of the board may remove any member of the board for misconduct, incapacity, or neglect of duty.

43-62-07. Officers of the board.

The board shall elect a president and vice president from its members and a secretary-treasurer. The secretary-treasurer need not be a member of the board. The secretary-treasurer must be the general administrative and prosecuting officer of the board.

43-62-08. Meetings of the board.

The board shall hold at least two meetings each year to conduct business and to review the standards and rules for improving the administration of medical imaging or radiation therapy. The board shall establish the procedures for calling, holding, and conducting regular and special meetings. A majority of board members constitutes a quorum.

43-62-09. Powers of the board.

In addition to any other powers, the board may:

1. Administer this chapter.
2. Issue interpretations of this chapter.
3. Adopt rules as may be necessary to carry out this chapter.
4. Employ and fix the compensation of personnel the board determines necessary to carry into effect this chapter and incur other expenses necessary to effectuate this chapter.
5. Issue, renew, deny, suspend, or revoke licenses and carry out any disciplinary actions authorized by this chapter.
6. Set fees for licensure, license renewal, and other services deemed necessary to carry out the purposes of this chapter.
7. Conduct investigations for the purpose of determining whether violations of this chapter or grounds for disciplining licensees exist. The board may establish an investigative panel to conduct an investigation under this subsection and may subpoena records.
8. Develop standards and adopt rules for the improvement of the administration of medical imaging or radiation therapy in this state.
9. Employ or contract with one or more certification organizations known to provide acceptable examinations leading to certification of technical personnel performing medical imaging or radiation therapy.
10. Impose sanctions, deny licensure, levy fines, or seek appropriate civil or criminal penalties against anyone who violates or attempts to violate examination security, anyone who obtains or attempts to obtain licensure by fraud or deception, or anyone who knowingly assists in that type of activity.
11. Require information on an applicant's or licensee's fitness, qualifications, and previous professional record and performance from recognized data sources, licensing and disciplinary authorities of other jurisdictions, certification organizations, professional education and training institutions, liability insurers, health care institutions, or other employers, and law enforcement agencies be reported to the board. The board or its investigative panels may require an applicant for licensure or a licensee who is the subject of a disciplinary investigation to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with the criminal history record check are the responsibility of the licensee or applicant.
12. Require the self-reporting by an applicant or a licensee of any information the board determines may indicate possible deficiencies in practice, performance, fitness, or qualifications.

13. Establish a mechanism for dealing with a licensee who abuses or is dependent upon or addicted to alcohol or other addictive chemical substances, and enter an agreement with a professional organization possessing relevant procedures and techniques the board has evaluated and approved for the organization's cooperation or participation.
14. Issue a cease and desist order, obtain a court order, or an injunction to halt unlicensed practice, a violation of this chapter, or a violation of the rules of the board.
15. Issue a conditional, restricted, or otherwise circumscribed license as the board determines necessary.

43-62-10. Conflict of interest.

A member of the board may not participate in the making of any decision or the taking of any action by the board or a board committee which affects the member's personal, professional, or pecuniary interest, or that of a known relative or business or professional associate.

43-62-11. Records of the board.

The board shall keep a record of its proceedings and applications for licensure. An application record must be preserved for at least six years beyond the disposition of the application or the last annual registration of the licensee, whichever is later. Protected health information in the possession of the board is an exempt record.

43-62-12. Biennial report.

The board may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04.

43-62-13. Compensation - Expenses of board.

A member of the board is entitled to receive for each day during which the member actually is engaged in the performance of the duties of the member's office per diem as determined by the board and mileage as provided in section 54-06-09. The secretary of the board is entitled to receive salary or other compensation and allowance for clerical and other expenses of the board as the board determines.

43-62-14. License requirements.

1. The board shall issue a license to a qualified applicant. To qualify for licensure, an applicant shall comply with the modality licensure requirements under subsection 2, 3, 4, or 7, comply with board requirements adopted by rules, and submit satisfactory evidence, verified by oath or affirmation, that the applicant:
 - a. At the time of the application is at least eighteen years of age.
 - b. Has successfully completed a four-year course of study in a high school or passed an approved equivalency test.
2. To qualify for licensure to practice one or more of the primary modalities as a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, sonographer, or magnetic resonance imaging technologist, an applicant shall meet the requirements for the applicable specific modality, including:
 - a. Provide satisfactory completion of a course of study appropriate for the specified modality. The curriculum for each course of study may not be less stringent than the standards approved by the joint review committee on education in radiologic technology, joint review committee on nuclear medicine technology, commission on accreditation of allied health education programs, or any other appropriate accreditation agency approved by the board, provided the standards are not in conflict with board policy.
 - b. Pass a certification examination established or approved by the board given by a certification organization recognized by the board.

- c. Show evidence of compliance with continuing education or recertification requirements required for registration of certification by a certification organization recognized by the board.
3. A licensee under subsection 2 may not practice a primary modality without meeting the requirements for each specific primary modality being practiced. However, a licensee under subsection 2 may practice other modalities recognized by rule upon meeting the continuing education requirements for each modality practiced by the licensee.
4. An applicant who is not licensed for a primary modality under subsection 2 may qualify for licensure to practice a modality recognized by the board, other than the primary modalities, by complying with certification or registration requirements established by the board by rule. The scope of a license issued under this subsection limits the licensee to the practice of the specific modality for which the applicant meets the requirement. However, a license issued under this subsection may be issued in conjunction with a license for additional modalities issued under subsection 7.
5. The board may establish by rule specific changes or exceptions for those modalities in which the accreditation agency or certification organization differs in certification or registration requirements from this chapter.
6. The board may grant a license to an applicant who submits the necessary application and fees who has been licensed, certified, or registered to perform or administer medical imaging or radiation therapy in another jurisdiction if that jurisdiction's standards of licensure are substantially equivalent to those provided in this chapter in accordance with rules adopted by the board.
7. The board may establish unique individualized licensing and practice standards and requirements for an applicant who does not meet the licensure requirements to receive a license in at least one primary modality of medical imaging or radiation therapy under subsection 2, or who meets the licensure requirements for one primary modality but not for another primary modality the applicant desires to practice.
 - a. The board may grant a license limited to one or more modalities practiced by an applicant for three or more of the five years preceding January 1, 2017. The board may establish standards and requirements for the licensee designed to maintain reasonable access to public services and to promote public safety, including continuing education. A license granted for a specified modality under this subdivision expires and may not be renewed if the licensee attains a license in that modality under subsection 2 or 4.
 - b. The board may grant a license to an applicant who began practice after December 31, 2016, for a specified modality or modalities if the applicant passes a board-approved examination and maintains specified continuing education requirements for each modality. The board may grant a conditional license allowing an applicant under this subdivision to practice before passing the examination.

43-62-14.1. Fluoroscopy technologist.

1. Effective August 1, 2019, an individual licensed or permitted as a fluoroscopy technologist by the North Dakota board of medicine who is in good standing on that date, automatically becomes licensed as a fluoroscopy technologist by the North Dakota medical imaging and radiation therapy board.
 - a. Effective August 1, 2019, the North Dakota board of medicine shall expire every active fluoroscopy technologist's license issued by that board.
 - b. Effective August 1, 2019, the North Dakota medical imaging and radiation therapy board shall issue a fluoroscopy technologist license to every individual qualified under this subsection to be automatically licensed.
2. The scope of practice of a licensed fluoroscopy technologist is limited to gastrointestinal fluoroscopy of the esophagus, stomach, and small and large intestines.
3. Fluoroscopy services provided by a licensed fluoroscopy technologist must be provided under the supervision of a primary supervising physician.

4. If a fluoroscopy technologist performs a fluoroscopy procedure outside the presence of the technologist's primary supervising physician, the technologist must be supervised by an onsite supervising physician who is immediately available to the technologist for consultation and supervision at all times the technologist is performing a fluoroscopy procedure.
5. Under this section, a supervising physician may not designate the fluoroscopy technologist to take over the physician's duties or cover the physician's practice. During an absence or temporary disability of a primary supervising physician, the fluoroscopy technologist is responsible to the substitute primary supervising physician.
6. To qualify for biennial license renewal, a fluoroscopy technologist shall submit to the board with radiography license renewal:
 - a. Evidence of completion of at least six hours of continuing education on fluoroscopy safety and relevant radiation protection; and
 - b. A copy of an agreement with a primary supervising physician.
7. A licensee under this section is subject to the disciplinary authority of the board under section 43-62-19.

43-62-15. Scope of practice.

1. A license issued by the board under this chapter must specify each medical imaging or radiation therapy modality for which the licensee is qualified to practice under section 43-62-14.
2. The board shall adopt by rule standards concerning scope of practice for medical imaging and radiation therapy modalities, including:
 - a. Nuclear medicine technologist;
 - b. Radiation therapist;
 - c. Radiographer;
 - d. Radiologist assistant;
 - e. Sonographer;
 - f. Magnetic resonance imaging technologist; and
 - g. Limited x-ray machine operator.
3. A licensee's performance of medical imaging or radiation therapy on humans for diagnostic or therapeutic purposes must be by written, facsimile, electronic, or verbal prescription of an individual authorized by this state to prescribe medical imaging or radiation therapy and must be under the supervision of a licensed practitioner.
4. A licensee's performance of medical imaging and radiation therapy on humans for diagnostic or therapeutic purposes is limited to the scope of the medical imaging and radiation therapy modality of that license as specified under the rules adopted by the board.

43-62-16. Fees.

1. The board shall set all fees by rules adopted under this chapter. All fees payable to the board must be deposited in the name of the board in financial institutions designated by the board as official depositories and must be used to pay all expenses incurred in carrying out the purposes of this chapter.
2. The board may issue a temporary license to an individual whose licensure or license renewal may be pending or if issuance is for the purpose of providing medical imaging or radiation therapy services to medically underserved areas as determined by the board. A temporary license may be issued only if the board finds it will not violate the purpose of this chapter or endanger the public health and safety. A temporary license expires when the determination is made either to issue or deny the applicant a regular license. A temporary license may not be issued for a period longer than one hundred eighty days.

43-62-17. Renewal.

1. A license issued under this chapter must be renewed before January second every two years. The license must be renewed upon the payment of a renewal fee if the licensee is not in violation of this chapter and has complied with any continuing education requirements adopted by rule of the board.
2. The board shall notify a licensee at least thirty days in advance of the expiration of the licensee's license. The licensee shall inform the board of any change of the licensee's address. Each licensee is responsible for renewing the licensee's license before the expiration date. A license that is not renewed automatically lapses.
3. The board may provide for the late renewal of an automatically lapsed license upon the payment of a reinstatement fee.

43-62-18. Disciplinary action.

The board may take disciplinary action against a licensee by any of the following means:

1. Revocation of license.
2. Suspension of license.
3. Probation.
4. Imposition of stipulations, limitations, or conditions relating to the performance of medical imaging or radiation therapy.
5. Letter of censure.
6. Imposition of a penalty, not to exceed one thousand dollars for any single disciplinary action, which must be deposited in the state general fund.
7. Payment of the board's expenses, including legal fees, which may be deposited in the board's operating fund.

43-62-19. Grounds for disciplinary action.

Disciplinary action may be imposed against a licensee upon any of the following grounds:

1. The use of any false, fraudulent, or forged statement or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice, in connection with any of the licensing requirements.
2. The conviction of any misdemeanor determined by the board to have a direct bearing upon an individual's ability to serve the public as a licensee or of any felony. A license may not be withheld contrary to chapter 12.1-33.
3. Habitual use of alcohol or drugs.
4. Physical or mental disability materially affecting the ability to perform the duties of a medical imaging or radiation therapy professional in a competent manner.
5. The performance of any dishonorable, unethical, or unprofessional conduct likely to deceive, defraud, or harm the public.
6. Aiding or abetting the performance of medical imaging or radiation therapy by an unlicensed, incompetent, or impaired individual.
7. The violation of any provision of this chapter, any rule of the board, or any federal or state law applicable to the practice of medical imaging or radiation therapy, or any action, stipulation, limitation, condition, or agreement imposed by the board or its investigative panels.
8. The performance of medical imaging or radiation therapy under a false or assumed name.
9. The willful or negligent violation of the confidentiality between medical imaging or radiation therapy professional and patient, except as required by law.
10. Gross negligence in the performance of medical imaging or radiation therapy.
11. Sexual abuse, misconduct, or exploitation related to the licensee's performance of medical imaging or radiation therapy.
12. The use of any false, fraudulent, or deceptive statement in any document connected with the performance of medical imaging or radiation therapy.
13. The failure to maintain in good standing, including completion of continuing education or recertification requirements, a certification from a certification organization

recognized by the board for the medical imaging or radiation therapy modality for which a license has been issued by the board.

14. The imposition by another state, jurisdiction, or certification organization recognized by the board of disciplinary action against a license, certification, or other authorization to perform medical imaging or radiation therapy based upon acts or conduct by the medical imaging or radiation therapy professional which would constitute grounds for disciplinary action under this section. A certified copy of the record of the action taken by the other state, jurisdiction, or certification organization is conclusive evidence of that action.
15. The failure to furnish the board or the investigative panel or investigators or representatives of the board or investigative panel information legally requested by the board or the investigative panel. The board shall keep a record of its proceedings in a disciplinary action or refusal to issue a license, together with the evidence offered.

43-62-20. Costs of prosecution - Disciplinary proceedings.

In any order or decision issued by the board in resolution of a disciplinary proceeding in which disciplinary action is imposed against a medical imaging or radiation therapy professional, the board may direct any medical imaging or radiation therapy professional to pay the board a sum not to exceed the reasonable and actual costs, including reasonable attorney's fees, incurred by the board and its investigative panels in the investigation and prosecution of the case. When applicable, the medical imaging or radiation therapy professional's license may be suspended until the costs are paid to the board. A medical imaging or radiation therapy professional may challenge the reasonableness of any cost item in a hearing under chapter 28-32 before an administrative law judge. The administrative law judge may approve, deny, or modify any cost item, and the determination of the judge is final. The hearing must occur before the medical imaging or radiation therapy professional's license may be suspended for nonpayment.

43-62-21. Practicing without a license - Violation of chapter - Penalty.

An individual who performs medical imaging or radiation therapy in this state without complying with this chapter, and any individual who violates any provision of this chapter for which another penalty is not specified is guilty of a class B misdemeanor. In addition to the criminal penalties provided, the civil remedy of injunction is available to restrain and enjoin violations of any provision of this chapter without proof of actual damages sustained by any person.

Administrative Rules

North Dakota Administrative Code

Article 114-01—114-04

April 1, 2020

The ND Administrative Code is promulgated by the Board with subsequent approval by the Attorney General's Office and the Administrative Rules Committee of the legislature. Once enacted, administrative code has the full force and effect of ND law.

How is Administrative Code different than the Law? Administrative Code further clarifies and defines the laws. The Board cannot provide legal advice. However, the administrative code and laws are straightforward, leaving little room for interpretation.

**ARTICLE 114-01
GENERAL ADMINISTRATION**

Chapter	
114-01-01	Organization of Board
114-01-02	Definitions
114-01-03	Fees

**CHAPTER 114-01-01
ORGANIZATION OF BOARD**

Section	
114-01-01-01	Organization of Medical Imaging and Radiation Therapy Board

114-01-01-01. Organization of medical imaging and radiation therapy board.

1. **History and function.** The 2015 legislative assembly passed the medical imaging and radiation therapy board practices act, codified as North Dakota Century Code chapter 43-62. This chapter requires the governor to appoint the board of medical imaging and radiation therapy board. The function of the board is to regulate the practice of medical imaging and radiation therapy modalities by licensing qualified individuals.
2. **Board membership.** The board consists of nine members appointed by the governor. Five members are medical imaging or radiation therapy professionals, one each chosen from the primary modalities of nuclear medicine technology, radiation therapy, radiography, sonography, magnetic resonance imaging and medical imaging or radiation therapy education, one member is a radiologist, one is a medical physicist, one is a physician from a rural area, and one public member. Members of the board serve four-year terms. The terms are so arranged that no more than four terms expire on July thirty-first of each year. No member may be appointed for more than two consecutive four-year terms.
3. **Compensation.** Board members are entitled to receive expenses from board funds for each day or a portion of the day spent in board work as provided for other state officers in North Dakota Century Code section 54-06-09. In addition to the expenses incurred while engaged in the performance of their duties, each board member is entitled to receive a per diem fee set by the board, not to exceed the fee established by law for the legislative assembly.
4. **Executive secretary.** The board shall employ personnel necessary to carry out North Dakota Century Code chapter 43-62 and this title will be responsible for the administration of the board's office and activities.
5. **Executive director.** The board may hire an executive director to oversee the administrative duties of the board, and who will answer to the board.
6. **Inquiries.** Inquiries regarding the board may be addressed to:

Medical Imaging and Radiation Therapy Board
P.O. Box 398
Bismarck, North Dakota 58502-0398

History: Effective April 1, 2018; amended effective April 1, 2020.

General Authority: NDCC 28-32

Law Implemented: NDCC 43-62

CHAPTER 114-01-02 DEFINITIONS

Section
114-01-02-01 Definitions

114-01-02-01. Definitions.

The terms used in this title have the same meaning as in North Dakota Century Code chapter 43-62 and apply to North Dakota Administrative Code title 114 unless the context indicates otherwise.

1. "Accreditation" means the official authorization or status granted by a nationally recognized accrediting organization or agency.
2. "Applicant" means an individual seeking official action by the board.
3. "Approved" means the standards established by the board are met.
4. "Authority" means legal authority granted through licensure to provide medical imaging or radiation therapy services to patients.
5. "Authorized user" means a physician, dentist, or podiatrist who is licensed as required to possess and use radioactive materials under North Dakota Century Code chapter 23.1-03.
6. "Bone densitometry technologist" means an individual, other than a licensed practitioner, who is responsible for administration of ionizing radiation to humans to determine the density of bone structure for diagnostic, therapeutic, or research purposes.
7. "Cardiac electrophysiology specialist" means an individual, other than a licensed practitioner, who assists with limited fluoroscopic radiologic procedures, sonography, or diagnostic and interventional cardiac electrophysiology procedures.
8. "Cardiac-interventional technologist" means an individual, other than a licensed practitioner, that is responsible for the administration of ionizing radiation to humans to visualize cardiac structures for diagnostic, therapeutic, or research purposes.
9. "Cardiovascular invasive specialist" means an individual, other than a licensed practitioner, who assists with medical equipment emitting ionizing radiation for fluoroscopic radiologic procedures or performs sonography procedures that are limited to specific body parts and only for cardiovascular interventional procedures.
10. "Competence" means the application and integration of knowledge, skills, ability, and judgment necessary to meet standards.
11. "Computed tomography technologist" means an individual, other than a licensed practitioner, who is responsible for the administration of ionizing radiation to humans for diagnostic, therapeutic, or research purposes.
12. "Conditional license" means a license issued by the board to an individual who may or may not have graduated from a program and is actively working toward certification and registration.
13. "Continuing education" means a relevant education activity or program that has been approved by an organization or entity, which has been recognized or authorized by a certification organization to approve or provide continuing education or continuing medical education activities for medical imaging or radiation therapy professionals.

14. "Criminal history record information" has the same meaning as the phrase is defined in North Dakota Century Code section 12-60-16.1.
15. "Fluoroscopy" means the exposure of a patient to x-rays to provide real-time, dynamic viewing of anatomic structures, including positioning the patient and fluoroscopic equipment along with the selection of factors needed to produce an image.
16. "Internationally educated" means educated outside the United States.
17. "Jurisdiction" means a province, state, or territory that certifies, registers, or licenses medical imaging or radiation therapy professionals to practice.
18. "Lapsed" means a license which is not renewed.
19. "License" means the legal authority granted by the board to practice one or more of the medical imaging and radiation therapy modalities.
20. "Licensure" means the process by which the board grants legal authority to an individual to engage in the practice of medical imaging or radiation therapy upon finding the individual has attained the essential education, certification and competence, or on-the-job training, necessary to ensure the public health, safety, and welfare will be protected.
21. "Limited license" means to restrict, qualify, or otherwise modify the license related to a scope of practice.
22. "Limited x-ray machine operator" means an individual who performs radiologic examinations and has completed the necessary didactic and clinical training required to follow strict guidelines in the performance of limited series x-ray procedures.
23. "Magnetic resonance imaging technologist" means an individual other than a licensed practitioner, who uses radiofrequency transmission within a high-strength magnetic field on humans for diagnostic, therapeutic, or research purposes.
24. "Mammography technologist" means an individual, other than a licensed practitioner, who is responsible for administration of ionizing radiation and breast directed high-frequency sound waves for diagnostic, therapeutic, and research purposes, and performs breast imaging procedure and related techniques, producing data.
25. "Medically underserved areas" means having met the criteria based on the Index of Medical Underservice, published in the Federal Register on October 15, 1976. See 42 CFR 51C.102(e) United States of health and human services health resources and services administration.
26. "Nuclear medicine technologist" means an individual, other than an authorized user, who prepares and administers radiopharmaceuticals and related drugs to human beings for diagnostic and research purposes, and is responsible for the use of ionizing and nonionizing radiation and molecular imaging, performs in vivo and in vitro detection and measurement of radioactivity and administers radiopharmaceuticals to human beings for therapeutic purposes.
27. "Other modality" means the practice of one or more of the medical imaging and radiation therapy recognized professions while in compliance with the continuing education requirements established by the board.
28. "Primary source verification" means the process used by the board or its designee to confirm certification and registration information submitted by the applicant or licensee with the appropriate certification organization.

29. "Quality management technologist" means an individual, other than a licensed practitioner, who has received specific documented training to perform physics surveys independently with medical physicist oversight and may assist a medical physicist for special modality physics surveys. The licensee also may supervise quality control and quality improvement projects that ensure improved medical imaging and radiation therapy department performance.
30. "Radiographer" means an individual, other than a licensed practitioner, who performs a comprehensive set of diagnostic radiographic procedures using external ionizing radiation and contrast media to produce radiographic, fluoroscopic, or digital images.
31. "Radiologist assistant" means an individual, other than a licensed practitioner, who is a medical radiographer with advanced-level training and certification, and performs selected radiology examinations and procedures.
32. "Radiology" means the branch of medicine that deals with the study and application of imaging technology to diagnose and treat disease.
33. "Reinstatement" means issuance of a previously active license in the absence of disciplinary action.
34. "Relicensure" means renewal, reinstatement, or reissuance of a license.
35. "Scope of practice" means the delineation of the nature and extent of practice.
36. "Sonographer" means an individual, other than a licensed practitioner, who uses nonionizing, high-frequency sound waves with specialized equipment to direct the sound waves into areas of the human body to generate images for the assessment and diagnosis of various medical conditions.
37. "Supervision" means responsibility for and control of, quality, radiation safety and protection, and technical aspects of the application of ionizing and nonionizing radiation to human beings for diagnostic or therapeutic purposes:
 - a. "General" means the licensee is under the overall direction and control of a licensed practitioner or an authorized user whose presence is not required during the performance of the procedure.
 - b. "Personal" means the licensed practitioner must be in attendance in the room during the performance of the procedure.
38. "Temporary license" means the authority to practice for a limited time period not to exceed one hundred eighty days.
39. "Vascular interventional technologist" means an individual, other than a licensed practitioner, who is responsible for the administration of ionizing radiation to humans to visualize vascular structures for diagnostic, therapeutic, or research purposes.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09

CHAPTER 114-01-03 FEES

Section

114-01-03-01 Fees

114-01-03-01. Fees.

The board shall set fees in such an amount as to reimburse the operational cost of licensure services rendered. All fees are nonrefundable.

1. Application fee (Initial for all modalities): \$25.00.
2. Bone densitometry technologist and limited x-ray machine operator:
 - a. Biennial renewal: \$75.00.
 - b. Endorsement fee: \$75.00 plus the application fee.
 - c. Initial licensure application fee: \$75.00 plus the application fee.
 - d. Late biennial renewal fee for an individual not practicing and is not currently licensed: biennial renewal fee plus an additional \$50.00 reinstatement fee, if the application is postmarked on or between January second and March first.
 - e. Late biennial renewal fee for an individual practicing and is not currently licensed: double biennial renewal fee plus an additional \$50.00 reinstatement fee, if the application is postmarked on or between January second and March first.
 - f. Renewal of licensure after March first must be approved by the board prior to issuance of a license.
3. Conditional license fee: \$150.00 and an application fee. This fee may be prorated towards the initial licensure fee. This only applies to an individual who does not currently hold a license in a primary modality.
4. Duplicate license request: \$10.00.
5. Primary modalities as defined in subsection 7 of North Dakota Century Code section 43-62-01, including cardiac electrophysiology specialist and cardiovascular invasive specialist:
 - a. Biennial renewal: \$150.00.
 - b. Endorsement fee: \$150.00 plus the application fee.
 - c. Initial licensure application fee: \$150.00 plus the application fee.
 - d. Late biennial renewal fee for an individual not practicing and is not currently licensed: biennial renewal fee plus an additional \$50.00 reinstatement fee, if the application is postmarked on or between January second and March first.
 - e. Late biennial renewal fee for an individual practicing and is not currently licensed: double biennial renewal fee plus an additional \$50.00 reinstatement fee, if the application is postmarked on or between January second and March first.
 - f. Renewal of licensure after March first must be approved by the board prior to issuance of a license.
6. Reinstatement fee for all licensees: \$50.00.

7. Request for licensee mailing information: \$25.00.
8. Temporary licensure fee \$40.00 plus the application fee. This fee may be prorated towards the initial licensure fee.
9. The expiration date of an initial license must be consistent with the two-year cycle. An individual who is licensed after September first of the second year of a two-year cycle, must be issued a license that expires at the conclusion of the following two-year cycle.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09(6), 43-62-16

**ARTICLE 114-02
LICENSE REQUIREMENTS**

Chapter	
114-02-01	Initial Licensure
114-02-02	Renewal of License
114-02-03	Licensure by Endorsement
114-02-04	Recognition of Education Programs and Student Supervision
114-02-05	Recognized Certification Organizations and Credentials

**CHAPTER 114-02-01
INITIAL LICENSURE**

Section	
114-02-01-01	Requirements for Licensure of Primary Modalities
114-02-01-02	Limited X-Ray Machine Operator
114-02-01-03	Bone Densitometry Technologist
114-02-01-04	Requirements for Continuing Education for Other Modalities Recognized by the Board
114-02-01-05	Cardiac Electrophysiology Specialist
114-02-01-06	Cardiovascular Invasive Specialist
114-02-01-07	Qualifications of Applicants for Initial Licensure for a Primary Modality
114-02-01-08	Requirements for Temporary License
114-02-01-09	Requirements for Conditional License
114-02-01-10	Grandfather Clause

114-02-01-01. Requirements for licensure for primary modalities.

An individual may be licensed in one or more of the primary modalities. An individual shall meet the following requirements for the primary modalities:

1. "Magnetic resonance imaging technologist" shall satisfactorily complete the academic requirements of a magnetic resonance imaging technology accredited program or must have satisfactorily completed a course of study including clinical experience requirements for certification in magnetic resonance imaging or hold current certification and registration in magnetic resonance imaging technology. The individual:
 - a. May perform such procedures while under the general supervision by a licensed practitioner.
 - b. Shall hold current certification and registration by one of the following:
 - (1) American registry of magnetic resonance imaging technologists;
 - (2) American registry of radiologic technologists in magnetic resonance imaging technology;
 - (3) Submits verification of actively working towards certification requirements in magnetic resonance imaging technology;
 - (4) Has met other requirements established by the board and has successfully passed the North Dakota state administered examination; or
 - (5) Has met the requirements of a successor organization or the equivalent as recognized by the board.
 - c. Biennially shall complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.

- d. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
2. "Nuclear medicine technologist" shall satisfactorily complete an accredited education program in nuclear medicine technology and must hold current certification and registration in nuclear medicine technology. The individual:
- a. May perform such procedures while under the general supervision by an authorized user who is licensed to possess and use the radiopharmaceuticals involved.
 - b. Shall hold current certification and registration by one of the following:
 - (1) Nuclear medicine technologist certification board;
 - (2) American registry of radiologic technologists in nuclear medicine technology;
 - (3) Has met other requirements established by the board and has successfully passed the North Dakota state administered examination; or
 - (4) Has met the requirements of a successor organization or the equivalent as recognized by the board.
 - c. Biennially shall complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.
 - d. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
3. "Radiation therapist" must have satisfactorily completed an accredited education program and hold a baccalaureate or an associate degree or must hold a current certification and registration in radiation therapy. The individual:
- a. May perform such procedures:
 - (1) Using x-ray machines and particle accelerators while under the general supervision by an authorized user for external beam radiation therapy as defined by the requirements in North Dakota Century Code chapter 22.1-03; and
 - (2) Using sealed radioactive sources only while under the supervision of an authorized user of radioactive material as defined by the requirements in North Dakota Century Code chapter 23.1-03.
 - b. Shall hold current certification and registration by one of the following:
 - (1) American registry of radiologic technologists in radiation therapy or has met the requirements of a successor organization or the equivalent as recognized by the board.
 - (2) Has met other requirements established by the board and has successfully passed the North Dakota state administered examination.
 - c. Biennially shall complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.

- d. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
4. "Radiographer" shall satisfactorily complete an accredited education program and must hold a baccalaureate or an associate degree or hold a current certification and registration in radiography. The individual:
- a. May perform such procedures while under the general supervision by a licensed practitioner.
 - b. Shall hold current certification and registration by one of the following:
 - (1) American registry of radiologic technologists or has met the requirements of a successor organization or the equivalent as recognized by the board.
 - (2) Has met other requirements established by the board and has successfully passed the North Dakota state administered examination.
 - c. Biennially shall complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.
 - d. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
5. "Radiologist assistant" shall satisfactorily complete an accredited education program and must hold a baccalaureate or master's degree. The individual:
- a. May perform such procedures while under general supervision of a radiologist.
 - b. Shall hold current certification and registration as a radiographer by American registry of radiologic technologists; and
 - c. Shall hold advanced level current certification by one of the following:
 - (1) American registry of radiologic technologists as a radiologist assistant;
 - (2) Certification board of radiology practitioner assistants as a radiology practitioner assistant; or
 - (3) Has met the requirements of a successor organization or the equivalent as recognized by the board.
 - d. Biennially shall complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.
 - e. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
6. "Sonographer" must hold a certificate, associate degree, or baccalaureate degree and shall satisfactorily complete the academic requirements and fulfill the clinical ultrasound requirements or hold current certification and registration in sonography. The individual:
- a. May perform such procedures while under the general supervision by a licensed practitioner.

- b. Shall hold current certification and registration by one of the following or a successor organization or the equivalent as recognized by the board:
 - (1) American registry for diagnostic medical sonography;
 - (2) American registry of radiologic technologists in sonography;
 - (3) Cardiovascular credentialing international;
 - (4) Sonography Canada; or
 - (5) Has met the requirements established by the board and has successfully passed the North Dakota state administered examination.
- c. Biennially shall complete the continuing education and other requirements set by the applicable certification organization to maintain certification and registration.
- d. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09(5), 43-62-14, 43-62-15(2)

114-02-01-02. Limited x-ray machine operator.

- 1. A limited license under this chapter may be issued provided the applicant was designated by the state department of health as a limited x-ray machine operator prior to the effective date of this section and is actively practicing immediately prior to that date and does not have an encumbered license or other restricted practice in any jurisdiction and meets board requirements, including continuing education requirements and training. The individual:
 - a. May perform limited series procedures only while under the general supervision by a licensed practitioner.
 - b. Upon renewal biennially shall complete twelve hours of continuing education.
 - c. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
- 2. After the date specified in subsection 1, an initial applicant for limited x-ray machine operator:
 - a. Must have satisfactorily completed the academic requirements of a structured limited x-ray machine operator program recognized by the board;
 - b. Shall demonstrate practical clinical competency in limited x-ray machine operator technology as verified by a licensed American registry of radiologic technologist radiographer or other designee as approved by the board, on a form provided by the board;
 - c. Has successfully passed the North Dakota state administered examination in limited scope of practice radiography;
 - d. May perform limited series procedures only while under the general supervision by a licensed practitioner;

- e. Biennially shall complete twelve hours of continuing education;
 - f. The individual shall complete a criminal history record check as required in section 114-03-02-01; and
 - g. Shall meet other requirements established by the board. See Appendix A for practice standards.
3. To be eligible for licensure as a limited x-ray machine operator after completing the requirements of subsection 2, an applicant shall hold at least one of the following licenses:
- a. Medical technologist, medical laboratory technician, or clinical laboratory technician;
 - b. Occupational therapist or occupational therapy assistant;
 - c. Physical therapist or physical therapy assistant;
 - d. Physician assistant or orthopedic physician assistant;
 - e. Registered nurse or licensed practical nurse;
 - f. Otherwise, an individual may petition the board for licensure if the individual's education background is substantially similar to the above.

History: Contingent effective date. See Section 75 of 2017 Senate Bill No. 2327.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-14, 43-62-15

114-02-01-03. Bone densitometry technologist.

1. "Bone densitometry technologist" shall satisfactorily complete a course of study in bone densitometry. The individual:
- a. May perform such procedures only while under the general supervision of a licensed practitioner.
 - (1) Must hold current registration and certification in a primary modality; or
 - (2) Registration and certification from the international society for clinical densitometry or has met the requirements of a successor organization or the equivalent as recognized by the board; or
 - (3) Has successfully passed the North Dakota state administered examination in bone densitometry.
 - b. Biennially shall complete the required continuing education.
 - c. The individual shall complete a criminal history record check as required in section 114-03-02-01.
 - d. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
2. To be eligible for licensure as a bone densitometry technologist after completing the requirements in subsection 1, the applicant shall hold at least one of the following licenses:
- a. Medical technologist, medical laboratory technician, or clinical laboratory technician;

- b. Occupational therapist or occupational therapy assistant;
 - c. Physical therapist or physical therapy assistant;
 - d. Physician assistant or orthopedic physician assistant; or
 - e. Registered nurse or licensed practical nurse.
3. Otherwise, an individual may petition the board for licensure if the individual's education or research background is substantially similar to subdivisions a through e of subsection 2.

History: Contingent effective date. See Section 75 of 2017 Senate Bill No. 2327.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-14, 43-62-15

114-02-01-04. Requirements for continuing education for other modalities recognized by the board.

- 1. An individual must be continuing education compliant in each modality of practice and may practice in more than one modality and all the modalities will be acknowledged on the license.
- 2. To practice in a modality other than primary modalities, an individual shall meet the following requirements:
 - a. Biennially shall complete five hours of continuing education in each modality of current practice; or
 - b. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
- 3. The following modalities will be monitored for continuing education compliance only:
 - a. Cardiac-interventional technology;
 - b. Computed tomography technology;
 - c. Mammography technology;
 - d. Quality management technology;
 - e. Vascular-interventional technology; and
 - f. Other modalities as recognized by the board.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-14(3)

114-02-01-05. Cardiac electrophysiology specialist.

"Cardiac electrophysiology specialist" shall satisfactorily complete all requirements as set by a certification organization recognized by the board or hold current certification and registration. The individual:

- 1. May assist with the performance of fluoroscopy procedures only while under personal supervision by a licensed practitioner; and

- a. Must hold current certification and registration as a cardiac electrophysiology specialist by the cardiovascular credentialing international;
 - b. Shall submit verification of actively working towards certification requirements as a cardiac electrophysiology specialist; or
 - c. Shall meet the requirements of a successor organization or the equivalent as recognized by the board.
2. Biennially shall complete twelve hours of fluoroscopy safety and relevant radiation protection continuing education.
 3. The individual shall complete a criminal history record check as required in section 114-03-02-01.
 4. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-09(15), 43-62-14(4)(7)

114-02-01-06. Cardiovascular invasive specialist.

"Cardiovascular invasive specialist" shall satisfactorily complete all requirements as set by a certification organization recognized by the board or hold current certification and registration. The individual:

1. May assist with the performance of fluoroscopy procedures only while under personal supervision by a licensed practitioner; and
 - a. Must hold current certification and registration as a cardiovascular invasive specialist by the cardiovascular credentialing international;
 - b. Shall submit verification of actively working towards certification requirements as a cardiac invasive specialist; or
 - c. Shall meet the requirements of a successor organization or the equivalent as recognized by the board.
2. Biennially shall complete twelve hours of fluoroscopy safety and relevant radiation protection continuing education.
3. The individual shall complete a criminal history record check as required in section 114-03-02-01.
4. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-09(15), 43-62-14(4)(7)

114-02-01-07. Qualifications of applicants for initial licensure for a primary modality.

1. An applicant for initial licensure under this chapter may not have an encumbered license or other restricted practice in any jurisdiction, shall meet board requirements, and submit the following:

- a. A completed application and the nonrefundable fee required in chapter 114-01-03;
 - b. An official transcript from an accredited program;
 - c. Other documents that verify successful completion of medical imaging or radiation therapy education approved in a jurisdiction which meets or exceeds those requirements in chapter 114-02-01 for each modality. The applicant is applying for licensure as defined in sections 114-02-01-01, 114-02-01-02, or 114-02-01-03;
 - d. Primary source verification of current certification and registration recognized by the board in each primary modality of practice; and
 - e. Otherwise an applicant shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
2. An applicant shall complete a criminal history record check as required in section 114-03-02-01.
 3. The expiration date of an initial license must be consistent with the two-year cycle. An individual who is licensed after September first of a two-year cycle will be issued a license that will expire at the conclusion of the following two-year cycle.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-02, 43-62-14

114-02-01-08. Requirements for temporary license.

An applicant for a temporary license under this chapter may not have an encumbered license or other restricted practice in any jurisdiction, must meet board requirements; and

1. An applicant shall submit a completed application and the nonrefundable fee required in chapter 114-01-03; and:
 - a. Provide evidence of currently meeting all education requirements to include a completed official transcript or notarized letter from program director; and
 - b. Shall complete a criminal history record check as required in section 114-03-02-01; and
2. An applicant shall submit evidence that the applicant:
 - a. Will provide services in a medically underserved area of North Dakota; or
 - b. Provide documentation of registration time frame for taking the examination or the applicant is awaiting registration and certification examination results.
3. The temporary license expires at the earlier of one hundred eighty days from issuance or when the board grants or denies a regular license.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-09(15), 43-62-14, 43-62-16(2)

114-02-01-09. Requirements for conditional license.

1. A conditional license under this chapter may be issued provided the applicant does not have an encumbered license or other restricted practice in any jurisdiction, and provide evidence of

meeting board requirements, including continuing education requirements and training. The individual shall:

- a. Submit a completed application and the nonrefundable fee as required in chapter 114-01-03; and
 - (1) An official transcript from an accredited educational program; or
 - (2) Other documents that verify pending or successful completion of a medical imaging or radiation therapy education program, which:
 - (a) Has been approved in any jurisdiction that has substantially equivalent standards; and
 - (b) Meets or exceeds those requirements in chapter 114-02-01 for each modality in which the individual is applying for licensure as defined in sections 114-02-01-01, 114-02-01-02, 114-02-01-03, 114-02-01-04, 114-02-01-05, or 114-02-01-06.
 - b. Submit verification of actively working towards completion of the program requirements.
2. An applicant for a conditional license also shall submit verification of actively working toward certification and registration; and
 - a. Meets standards specifically set by the board on a case-by-case basis for continuing education requirements and training for each modality; or
 - b. Has met other requirements as established by the board and is actively working toward meeting the requirements to take the North Dakota state administered examination.
 - c. Otherwise an applicant must meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
 3. A conditional license may be issued to an applicant who began practice after December 31, 2016.
 4. The conditional license expires two years from the date of issuance and may be renewed one time or as otherwise approved by the board.
 5. A conditional license may not be renewed if the applicant has attained a license in a primary modality.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-09(15), 43-62-14

114-02-01-10. Grandfather clause.

1. A license may be issued provided the applicant does not have an encumbered license or other restricted practice in any jurisdiction. The individual:
 - a. Is eligible to be licensed only within the scope of the individual's current practices;
 - b. Shall submit verification from a department manager or employer that the individual has been practicing medical imaging and radiation therapy in a primary modality:
 - (1) That began practice prior to January 1, 2017; and

- (2) Has practiced for three or more of the five years preceding; and
 - c. Shall be in compliance with the certification organization's continuing education and other requirements for the modality in which the individual is currently practicing.
2. Otherwise the applicant shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14, which may include one or more of the following:
- a. Additional education requirements, such as academic courses or courses of study;
 - b. A limitation of scope of practice;
 - c. Evidence of continuing education seminars or workshop;
 - d. Evidence of departmental accreditation in the relevant modalities of practice, such as American college of radiology or intersocietal accreditation commission;
 - e. Onsite evaluation for assurance of meeting the professional guidelines;
 - f. Verification of on-the-job training; or
 - g. Other requirements as determined by the board to protect the public health, safety, and welfare.
3. A grandfathered license is eligible for renewal of such license under the conditions and standards prescribed in this chapter.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-02, 43-62-14(7)

APPENDIX A

Practice Standards Related to Limited X-Ray Machine Operators

Limited x-ray machine operators are limited in scope of practice to only those procedures approved by the board. Limited x-ray machine operators may not perform fluoroscopic procedures or administer contrast media or radiopharmaceuticals. Specific procedures or examinations that are allowed in the scope of practice for limited x-ray machine operators include the following:

Chest:	PA, lateral, decubitus
Ribs:	AP, PA, obliques
Abdomen:	KUB, upright abdomen
Hand and fingers:	PA, lateral, oblique
Wrist:	PA, lateral, oblique
Forearm:	AP, lateral
Elbow:	AP, lateral
Humerus:	AP, lateral
Shoulder:	AP, internal and external rotation, y-view
Clavicle:	AP, AP axial
Pelvis:	AP
Hips:	AP, frog leg lateral, cross-table lateral
Femur:	AP, lateral
Knee:	AP, lateral, obliques
Patella:	AP, lateral, sunrise
Tibia-fibula:	AP, lateral
Ankle:	AP, lateral, obliques
Calcaneus:	Plantodorsal, lateral
Foot and toes:	AP, lateral, obliques
Sinuses:	Water's, lateral
Skull:	AP/PA, lateral
Facial bones:	PA, lateral
Nasal bones:	Water's, lateral
C-spine:	AP, lateral, odontoid, (not trauma), swimmer's (not trauma)
T-spine:	AP, lateral, swimmer's (not trauma)
L-spine:	AP, lateral, L5-S1 lateral

Any other procedure or examination performed during an emergency and requiring a limited x-ray machine operator to perform requires a written order from a licensed practitioner with personal supervision.

Licenseses may petition the board to perform procedures and examinations not currently identified above. One of the criterion utilized by the board includes frequency of performance to consider approval or justification of expansion of the procedures and examination outlined above.

History: Contingent effective date. See section 75 of 2017 Senate Bill No. 2327.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-14(4)(7), 43-62-15(2)

CHAPTER 114-02-02 RENEWAL OF LICENSE

Section

114-02-02-01	Requirements for License Renewal
114-02-02-02	Reinstatement of a License
114-02-02-03	General Diagnostic Operator
114-02-02-04	Continuing Education Requirement for Relicensure

114-02-02-01. Requirements for licensure renewal.

1. A licensee will be notified at least thirty days in advance of expiration of the license and shall submit the following:
 - a. A completed renewal application and the nonrefundable fee required in chapter 114-01-03 postmarked prior to January second in even-numbered years; and
 - b. Evidence of current certification and registration by the certification organization in at least one primary modality and if applicable, other modalities for which the licensee holds current certification and registration unless grandfathered or otherwise exempt by statute.
2. The board may grant, on a case-by-case basis, exceptions to the board's license renewal requirements to address renewal compliance hardships that may result from one of the following:
 - a. Activation of more than thirty days of a licensee who is a member of the national guard or armed forces of the United States;
 - b. Service in the theater or area of armed conflict by a licensee who is a member of the regular active duty armed forces of the United States; or
 - c. Medical or other hardship rendering the applicant unable to meet the renewal deadline or complete continuing education or other requirements.
3. A licensee applying for license renewal may be required to complete a criminal history record check as required in section 114-03-02-01.
4. The board may conduct random audits to ensure compliance with continuing education and maintenance of certification and registration requirements.
5. A license granted for a primary modality under sections 114-02-01-08 or 114-02-01-09 may not be renewed if the licensee attains a license in that modality.
6. If a licensee fails to timely renew a license, a late fee will be assessed in accordance with section 114-01-03-01.
7. The expiration date of a renewed license must be consistent with the two-year cycle. An individual who has a license issued after September first of the second year of a two-year cycle, must be issued a license that expires at the conclusion of the following two-year cycle.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-51-11, 43-51-11.1, 43-62-09, 43-62-14, 43-62-17

114-02-02-02. Reinstatement of a license.

1. An individual previously licensed in North Dakota may apply for relicensure. The applicant may not have an encumbered license or other restricted practice in any jurisdiction, shall meet board requirements, and submit the following:
 - a. A completed application and pay the nonrefundable renewal and reinstatement fee required in chapter 114-01-03;
 - b. A criminal history record check as required in section 114-03-02-01; and
 - c. Primary source verification of current certification and registration by a certification organization recognized by the board or as otherwise exempt by statute.
2. The expiration date of a license must be consistent with the two-year cycle. An individual who is licensed after September first of the second year of a two-year cycle, must be issued a license that expires at the conclusion of the following two-year cycle.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-17(3)

114-02-02-03. General diagnostic operator.

1. A license under the provision of this chapter may be renewed provided the applicant was designated by the state department of health as a general diagnostic operator as of December 31, 2015, and does not have an encumbered license or other restricted practice in any jurisdiction and shall meet board requirements, including continuing education requirements and training. The individual:
 - a. May perform procedures only while under the general supervision by a licensed practitioner; and
 - b. Must hold current certification and registration by one of the following:
 - (1) American registry of radiologic technologists or has met the requirements of a successor organization or the equivalent as recognized by the board;
 - (2) Has the equivalent education, including clinical training as approved by the state department of health; or
 - (3) Has met other unique requirements established by the board.
2. The individual biennially shall complete the twenty-four hours of continuing education.
3. The individual shall complete a criminal history record check as required in section 114-03-02-01.
4. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-14

114-02-02-04. Continuing education requirement for relicensure.

This requirement becomes effective for license renewal of the 2022 renewal cycle and continuing thereafter.

1. Continuing education for purposes of relicensure must be:
 - a. Accepted by an applicable certification organization to maintain certification and registration and earned within the previous two-year renewal cycle; or
 - b. Otherwise the individual shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
2. A licensee shall meet or exceed the hours of continuing education required to maintain certification and registration by an applicable certification organization.
3. Random audits may be conducted to assure continuing education requirement compliance.
4. All information concerning continuing education submitted with an application is subject to audit.
5. Upon request of the board, the licensee shall submit verification of successful completion of the required continuing education.
6. A licensee who does not meet the continuing education requirements for maintaining certification and registration, or if the continuing education is not properly approved, or if the licensee fails to provide verification of completion of the required continuing education:
 - a. May be placed on probation and given sixty days to complete the required continuing education, and as applicable, provide evidence of current certification and registration by a certification organization to qualify for a license.
 - b. If required continuing education is not completed or the licensee fails to maintain a current certification and registration by an applicable certification organization, the license is considered to be a lapsed license.
7. A licensee who earns in excess of the number of continuing education required during a reporting period may not apply the excess hours to satisfy future continuing education requirements.
8. Continuing education that is required by the board pursuant to a board order may not be accepted by the board to satisfy or partially satisfy the continuing education requirements for license renewal.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-14(3)

**CHAPTER 114-02-03
LICENSURE BY ENDORSEMENT**

Section

- 114-02-03-01 Requirements for Licensure by Endorsement
- 114-02-03-01.1 Limited X-Ray Machine Operator in Nonlicensure State Endorsement Requirements
- 114-02-03-02 Military Spouses - Licensure

114-02-03-01. Requirements for licensure by endorsement.

1. An applicant licensed for medical imaging or radiation therapy in another jurisdiction may apply for license by endorsement. The applicant may not have an encumbered license or other restricted practice in any jurisdiction, shall meet board requirements, and submit the following:
 - a. A completed endorsement application in one or more of the modalities and pay the nonrefundable fee as required in chapter 114-01-03.
 - b. Verification of current licensure and compliance with continuing education requirements in another jurisdiction, to include:
 - (1) An official transcript of program completion from an accredited program; or
 - (2) Other documents that verifies successful completion of a medical imaging or radiation therapy education or equivalent approved in any jurisdiction which meets or exceeds those requirements:
 - (a) In chapter 114-02-01 for each modality applying for licensure as described in sections 114-02-01-01, 114-02-01-02, 114-02-01-03, 114-02-01-04, 114-02-01-05, or 114-02-01-06; or
 - (b) Otherwise the applicant shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
2. The applicant biennially shall complete the continuing education.
3. The applicant shall complete a criminal history record check as required in section 114-03-02-01.
4. Otherwise the applicant shall meet the unique licensure or practice standard requirements established by the board under subsection 7 of North Dakota Century Code section 43-62-14.
5. The expiration date of the license must be consistent with the two-year cycle. An applicant who is licensed after September first in the second year of a two-year cycle, must be issued a license that expires at the conclusion of the following two-year cycle.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-14(6)

114-02-03-01.1. Limited x-ray machine operator in nonlicensure state endorsement requirements.

1. A limited x-ray machine operator in another jurisdiction that regulates the profession but does not license, may apply for licensure by endorsement. The applicant may not have an

encumbered license or other restricted practice in any jurisdiction, shall meet board requirements, and shall submit the following:

- a. A completed endorsement application and pay the nonrefundable fee as required in chapter 114-01-03.
 - b. Verification of active practice as a limited x-ray machine operator from a department manager or employer that the individual has:
 - (1) Been practicing actively for three or more of the five years immediately preceding the endorsement application; and
 - (2) Been proven to be clinically competent in performing limited scope imaging examinations.
 - c. Otherwise the applicant shall meet the unique licensure or practice standard requirements established by the board.
2. The applicant biennially shall complete the continuing education.
 3. The applicant shall complete a criminal history record check as required in section 114-03-02-01.
 4. The expiration date of the license must be consistent with the two-year cycle. An applicant who is licensed after September first in the second year of a two-year cycle, must be issued a license that expires at the conclusion of the following two-year cycle.

History: Effective April 1, 2020.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-14(4)(6)

114-02-03-02. Military spouses - Licensure.

Military spouses may be licensed pursuant to the procedure outlines in North Dakota Century Code section 43-51-11.1.

History: Effective April 1, 2018; amended effective April 1, 2020.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-51-11.1

CHAPTER 114-02-04
RECOGNITION OF EDUCATION PROGRAMS AND STUDENT SUPERVISION

Section

114-02-04-01 Recognition of Education Programs

114-02-04-02 Student Supervision

114-02-04-01. Recognition of education programs.

1. For the purpose of initial licensure to practice in medical imaging and radiation therapy modalities, the board shall recognize education programs that are accredited by one or more of the following national accreditation organizations:
 - a. Commission on accreditation of allied health education programs;
 - b. Commission on accreditation of the American registry of magnetic resonance imaging technologists;
 - c. Council of regional institutional accrediting commissions;
 - d. Joint review committee on education in radiologic technology; or
 - e. Joint review committee on education programs in nuclear medicine technology.
2. The board also may recognize an education program from another accreditation organization:
 - a. If the education program meets or exceeds the requirements set out in North Dakota Century Code section 43-62-14 and has clinical education equivalent in amount and time of the board-recognized programs.
 - b. Otherwise as approved by the board.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-14(2)

114-02-04-02. Student supervision.

Students enrolled in and attending board-recognized education programs for a medical imaging and radiation therapy modality are exempt from the requirements of licensure by the board. Students only may perform medical imaging and radiation therapy procedures for the modality in which the student is enrolled. Students must be under the supervision of a licensed practitioner or a licensee who is licensed in the modality in which the student is enrolled.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-03(03)

CHAPTER 114-02-05
RECOGNIZED CERTIFICATION OF ORGANIZATIONS AND CREDENTIALS

Section

114-02-05-01 Recognized Certification Organizations and Credentials

114-02-05-01. Recognized certification organizations and credentials.

The applicant's licensing title must be on the certificate including all modalities in which the licensee holds current certification and registration. The board recognizes the following certification organizations and their credentials:

1. American registry for diagnostic medical sonography (ARDMS);
2. American registry of magnetic resonance imaging technologists (ARMRIT);
3. American registry of radiologic technologists (ARRT);
4. Canadian association of medical radiation technologists (CAMRT);
5. Cardiovascular credentialing international (CCI);
6. Certification board of radiology practitioner assistants (CBRPA);
7. International society for clinical densitometry (ISCD);
8. Nuclear medicine technology certification board (NMTCB);
9. Sonography Canada; and
10. Other successor organizations as recognized by the board.

History: Effective April 1, 2018; amended effective April 1, 2020.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09, 43-62-14

**ARTICLE 114-03
DISCIPLINARY ACTION**

Chapter	
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**CHAPTER 114-03-01
DISCIPLINARY PROCESS**

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114-03-01-01. Definitions.

The terms used in this title have the same meaning as in North Dakota Century Code chapter 43-62 and apply to title 114 unless the context indicates otherwise.

1. "Acts or omissions" means patterns of unsafe behavior, practice deficits, failure to comply with acceptable standards of practice, or grounds for discipline identified in North Dakota Century Code chapter 43-62 or this title.
2. "Cease and desist" means an order directing a licensee or applicant, or any other individuals to halt purportedly unlawful activity ("cease") and not take it up again later ("desist").
3. "Denial" means the board's refusal to issue or renew a current license.
4. "Incompetence" means conduct that deviates from scope of practice approved by the board.
5. "Impaired" means the ability to practice safely has been affected by the use or abuse of alcohol or other drugs, psychiatric or physical disorders, or practice deficiencies.
6. "Letter of censure" means a formal action against a licensee or applicant whose practice does not meet the acceptable standards of practice.
7. "Major incident" means an act or omission in violation of North Dakota Century Code chapter 43-62, or this title, which indicates an applicant or licensee continuing to practice poses a high risk of harm to the patient.
8. "Minor incident" means an act or omission in violation of North Dakota Century Code chapter 43-62, or this title, which indicates an applicant or licensee's continuing to practice poses a low risk of harm to the patient.
9. "Misappropriation of property" means the patterned or knowing, willful, or intentional misplacement, exploitation, taking, or wrongful, temporary, or permanent use of a patient's, employer's, or any other person's or entity's belongings, money, assets, or property without consent.

10. "Neglect" means a disregard for and departure from the standards of care which has or could have resulted in harm to the patient.
11. "Practice deficiency" means a practice activity that does not meet the standards of medical imaging and radiation therapy practice.
12. "Probation" means restrictions, requirements, or limitations placed against a licensee through monitoring for a prescribed period of time.
13. "Professional boundaries" means the provision of services within the limits of one of the modalities and patient relationship which promote the patient's dignity, independence, and best interests, and refrain from inappropriate involvement in the patient's or patient's family personal relationships.
14. "Professional-boundary violation" means a failure of a licensee to maintain appropriate boundaries with a patient, patient family member, or other health care provider.
15. "Professional misconduct" means any practice or behavior that violates the applicable standards governing the individual's practice necessary for the protection of the public health, safety, and welfare.
16. "Relicensure" means renewal, reinstatement, or reissuance of a license or registration.
17. "Revocation" means the withdrawal by the board of the licensee's right to practice for a specified length of time of no less than one year. If no specified length of time is identified by the board, revocation is permanent.
18. "Suspension" means withholding by the board of the license of the right to practice medical imaging and radiation therapy for a specified or indefinite period of time.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09

114-03-01-02. Applicant statement.

1. If an applicant for initial or renewal of licensure has been arrested, charged, or convicted of a misdemeanor or felony offense, an applicant shall provide the necessary information for the board to determine the bearing upon that person's ability to perform as a licensed medical imaging and radiation therapy professional.
2. Upon receipt of evidence of sufficient rehabilitation as outlined in North Dakota Century Code section 12.1-33-02.1, the board may issue a license.
3. If the board believes the information does not substantiate sufficient rehabilitation, the applicant may request a hearing pursuant to North Dakota Century Code chapter 28-32.

History: Effective April 1, 2018.

General Authority: NDCC 12.1-33-02.1, 43-62

Law Implemented: NDCC 43-62-09(12), 43-62-19(15)

114-03-01-03. Reporting violations.

Licensees, applicants, or citizens may use the following process to report any knowledge of acts or omissions by an individual that may violate North Dakota Century Code chapter 43-62 or this title:

1. Minor incident:

- a. If the act or omission meets the criteria for management of a minor incident, the applicant or licensee, should be aware of and follow the established policy within the practice setting for minor incidents. The established policy in the licensee's practice setting should detect patterns of unsafe behavior that may be considered minor incidents and take corrective action resulting in safe practice.
 - b. May be handled in the practice setting with a corrective action process if all the following factors exist:
 - (1) Potential risk of harm to others is low;
 - (2) There is no pattern of recurrence;
 - (3) The licensee exhibits evidence of remediation and adherence to standards of practice; and
 - (4) The corrective action process results in the licensee possessing the knowledge, skills, and abilities to practice safely.
 - c. Other factors may be considered in determining the need to report the incident, such as the significance of the event in the particular practice setting, the situation in which the event occurred, and the presence of contributing or mitigating circumstances in the system.
 - d. Nothing in this rule is intended to prevent reporting of a minor incident or potential violation directly to the board.
2. Major incident. If the act or omission is a major incident or factors are present which indicate a duty to report the licensee or applicant, the licensee's or applicant's supervisor or employer shall report the alleged violation to the board in the manner and form provided by the board. The report should include requested information about the act or omission, the individuals involved, and the action taken within the practice setting.
 3. Termination of employment. When a licensee or applicant terminates from the practice setting, either voluntarily or by request, due to conduct that may be grounds for discipline under the medical imaging and radiation therapy practices act or this title, a report must be made to the board by the licensee or applicant, and may be reported by the employer or supervisor in the manner and form provided by the board.
 4. Self-reporting. A licensee or applicant shall provide written notice of explanation and a copy of the applicable documents to the board within thirty days from the date of any criminal, malpractice, administrative, civil, or disciplinary action in this or any other jurisdiction, or a certification organization, or any other action taken against the licensee or applicant for any conduct that may affect patient safety or otherwise relates adversely to the practice of medical imaging and radiation therapy. This includes failure to complete applicable continuing education requirements or other applicable certification organization requirements for maintenance of the licensee's or applicant's registration and certification.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09(7)(8), 43-62-19(15)

114-03-01-04. Investigations.

Complaints, requests for investigation, and reports of acts or omissions that are in violation of North Dakota Century Code chapter 43-62, or this title, must be investigated by the board or by its direction to determine whether sufficient grounds exist to file a complaint according to North Dakota Century Code

chapter 28-32. The board or its investigative panel may subpoena witnesses, records, and any other evidence relating to the investigation. Any protected health information that is obtained by the board is an exempt record as defined in North Dakota Century Code section 44-04-17.1.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09(7), 43-62-11, 43-62-19(15)

114-03-01-05. Evidence and evaluation of treatment.

1. The board may require the individual subject to an investigation to submit to a mental health, chemical dependency, or physical evaluation if, during the course of the investigation, there is reasonable cause to believe that any licensee or applicant is unable to practice with reasonable skill and safety or has abused alcohol or drugs.
2. The board may require a copy of the evaluation to be submitted from the evaluating professional directly to the board.
 - a. Upon failure of the licensee or applicant to submit to the evaluation within thirty days of the request, the board may suspend the licensee's license or deny or suspend consideration of any pending application until the licensee or applicant submits to the required evaluation.
 - b. The licensee or applicant shall bear the cost of any mental health, chemical dependency, or physical evaluation and treatment required by the board.
 - c. The board may suspend or revoke an individual's license if it is determined the individual is unsafe to practice. The suspension or revocation remains in effect until the individual demonstrates to the satisfaction of the board the ability to safely return to the practice.
 - d. The board may deny the individual's application for licensure if it is determined the individual is unsafe to practice. The denial remains in effect until the individual demonstrates to the satisfaction of the board the ability to safely practice.
3. Any protected health information that is obtained by the board is an exempt record as defined in North Dakota Century Code section 44-04-17.1.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09(13), 43-62-11, 43-62-19(3)(4)

114-03-01-06. Disposition.

1. Investigation may result in one of the following:
 - a. Informal resolution and disposition by the board.
 - b. Formal resolution and disposition by the board:
 - (1) The board may use an administrative law judge to preside over the entire administrative proceeding and prepare recommended findings of fact, conclusions of law, and recommended order for board consideration; or
 - (2) The board may use a procedural hearing officer for the conduct of the hearing at which a majority of board members must be present at the hearing.
2. Dismissal. If the board's investigative panel determines the alleged violation is frivolous, would not constitute grounds for disciplinary action, is outside the jurisdiction of the board, or is

otherwise inappropriate for board action, the complainant and the affected licensee must be notified in writing that the board will not pursue the matter, stating the grounds for the decision;

3. Referral to another agency; or
4. Other action as directed by the board.

History: Effective April 1, 2018.

General Authority: NDCC 28-32, 43-62

Law Implemented: NDCC 43-62-09, 43-62-18, 43-62-19(7), 43-62-20

114-03-01-07. Cease and desist order.

When it appears by credible evidence that a cease and desist order is necessary, the president of the board or the authorized designee, after consultation with the office of the attorney general, may issue an order directing a licensee, applicant, or any other individual practicing medical imaging and radiation therapy in violation of North Dakota Century Code chapter 43-62, or this title, to cease and desist certain actions.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09(14)

114-03-01-08. Board decision.

The final decision must be adopted by a majority of a quorum of the board and must include findings of fact, conclusions of law, and an order. The decision of the board to impose or modify any restrictions upon the licensee or the licensee's practice or to reinstate a license must be communicated to the licensee in the form of a board order. If a licensee is authorized to practice in more than one modality of medical imaging and radiation therapy, the board order applies to all modalities. In addition to the terms and conditions imposed by the board, the following may apply:

1. Revocation of license. If the board issues a revocation order, the board also may prescribe the specific actions necessary for the relicensure of the individual. The certification process may be waived by the board as a condition for the relicensure of a previously revoked license. The initial licensure fee must be assessed for the relicensure of a revoked license. The time frame of revocation must be set in the order of the revocation or if not set it will be five years from the date of the board order.
2. Suspension of license. If the board issues a suspension order, the board also may prescribe the length of suspension and specific actions necessary for the relicensure of the individual. An individual whose license is suspended may request relicensure by the board at any regularly scheduled meeting following the conclusion of the time period specified in the order. The current renewal fee must be required for relicensure of a suspended license.
3. Probation. If the board issues a probation order, the board may prescribe the length of probation and specific actions necessary for successful completion of the probation. The license must be designated in the board's records as "probation" or as the board may otherwise require. If a licensee is authorized to practice in more than one modality of medical imaging and radiation therapy, the probation applies to all modalities.
4. Denial. If the board issues an order to refuse to issue or renew a current license for cause, the board also may prescribe the specific action necessary for the issuance or the reissuance of the license.
5. Letter of censure. The board may issue a letter of censure as formal action against an applicant or licensee whose practice does not meet the acceptable standards of practice.

6. Imposition of a penalty. The board may levy a penalty against an individual who has knowingly practiced medical imaging or radiation therapy without proper authorization or who has jeopardized public health, safety, or welfare.
7. Conditional dismissal. The board may impose terms and conditions for the individual to meet and upon compliance the complaint will be dismissed.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-18

114-03-01-09. Application for relicensure.

1. An individual whose license has been suspended or revoked by the board may:
 - a. Request a written application for relicensure in the manner and form required by the board at the conclusion of the time period specified in the order;
 - b. Pay the nonrefundable reinstatement fee and an application fee as required in chapter 114-01-03 for an application for relicensure of a suspended or revoked license. The burden of proof is on the licensee to prove to the satisfaction of the board that the condition that led to a sanction no longer exists or no longer has a material bearing on the licensee's professional ability; and
 - c. Schedule an appearance for the next board meeting if received at least thirty days prior.
2. The board may:
 - a. Consider the written application for relicensure at the next regularly scheduled board meeting.
 - b. Schedule a vote for relicensure.
 - c. Impose reasonable terms and conditions to be imposed prior to relicensure, or as a condition of relicensure. If the board denies relicensure, reasons for denial must be communicated to the applicant.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-09, 43-62-18

114-03-01-10. Practice without a current license.

1. An individual who performs medical imaging or radiation therapy without proper authorization by the board is practicing without a license. The board may issue a cease and desist order, obtain a court order or injunction, or seek civil or criminal action or fines to halt the unlicensed practice, a violation of North Dakota Century Code chapter 43-62, or a violation of this title.
2. On or between January second and March first of the first year of the current license cycle, an individual seeking to renew a license who has failed to complete the licensure process within the required time period and has been found to have been practicing unintentionally without a current license is required to:
 - a. Submit a completed application and the nonrefundable fees as required in chapter 114-01-03; and
 - b. Complete all other licensure requirements as established by the board.

3. After March first of the first year of the current license cycle, an individual seeking to renew a license who has failed to complete the licensure process within the required time period and has been found to have been practicing unintentionally without a current license is required to:
 - a. Submit a completed application and the nonrefundable fees as required in chapter 114-01-03;
 - b. Complete a criminal history record check; and
 - c. Complete all other licensure requirements as established by the board.
4. The license of an individual who has failed to renew the license and unintentionally practiced without proper authorization is not authorized to practice until meeting all board requirements for licensure. The license remains lapsed until the board receives satisfactory evidence of successful completion of the requirements for licensure.
5. The licensee, who has a lapsed license and has been found to be intentionally practicing without a license, must be referred to the appropriate organization for investigation and possible prosecution.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-09, 43-62-21

CHAPTER 114-03-02
CRIMINAL HISTORY RECORD CHECKS FOR LICENSURE

Section

114-03-02-01 Criminal History Record Checks

114-03-02-01. Criminal history record checks.

1. An applicant shall submit a set of fingerprints to the board or its agent for the purpose of obtaining a state and federal criminal history record check in the manner provided by North Dakota Century Code section 12-60-24 and as set forth by the board.
2. An authorization and release form must be signed by the applicant authorizing the release of the criminal history record information to the board.
3. The fingerprint card, authorization and release form, and fee for the criminal history record check must be submitted upon application for licensure.
4. The following applicants shall submit to a criminal history record check:
 - a. Initial licensure;
 - b. Temporary or conditional licensure; and
 - c. License by endorsement.
5. The following applicants may be required to submit to a criminal history record check:
 - a. Renewal of a license; or
 - b. Relicensure.
 - c. An individual who is under investigation for violation of North Dakota Century Code chapter 43-62 or this title.
6. If a criminal history record check is required as part of a disciplinary investigation or proceeding, the fingerprint card, authorization and release form, and fee for the criminal history record check must be submitted by the licensee within twenty days of the board's request.

History: Effective April 1, 2018.

General Authority: NDCC 43-62

Law Implemented: NDCC 12-60-24, 43-62-09(11)

**ARTICLE 114-04
STANDARDS OF PRACTICE**

Chapter
114-04-01 Standards Related to Professional Accountability

**CHAPTER 114-04-01
STANDARDS RELATED TO PROFESSIONAL ACCOUNTABILITY**

Section
114-04-01-01 Standards Related to Professional Accountability

114-04-01-01. Standards related to professional accountability.

1. A licensee is responsible and accountable to practice according to the standards of practice and code of ethics recognized by the board and the profession.
 - a. It is not the setting or the position title that determines a practice role, but rather the application of knowledge.
 - b. The licensee performs procedures for diagnostic or therapeutic purposes dependently through the prescription of a licensed practitioner.
 - c. The licensee practices within the legal boundaries through the scope of practice authorized by North Dakota Century Code chapter 43-62 and this title.
2. A licensee shall perform according to practice standards of the modality as established by the:
 - a. Alliance of cardiovascular professionals;
 - b. American college of radiology;
 - c. American institute of ultrasound in medicine;
 - d. American society of radiologic technologists;
 - e. American society of echocardiography;
 - f. International society for clinical densitometry;
 - g. Society of diagnostic medical sonography;
 - h. Society of nuclear medicine and molecular imaging;
 - i. Society for vascular ultrasound;
 - j. Sonography Canada; and
 - k. A successor organization or the equivalent as recognized by the board.
3. The practice standards include the following:
 - a. Bone densitometry;
 - b. Cardiac electrophysiology;
 - c. Cardiac-interventional;
 - d. Cardiovascular invasive;

- e. Computed tomography;
- f. Limited x-ray machine operator (refer to Appendix A of chapter 114-02-01);
- g. Magnetic resonance imaging;
- h. Mammography;
- i. Nuclear medicine;
- j. Positron emission tomography;
- k. Quality management;
- l. Radiography;
- m. Radiologist assistant;
- n. Radiation therapy;
- o. Sonography;
- p. Vascular interventional technology; and
- q. Other practice standards as recognized by the board.

History: Effective: April 1, 2018

General Authority: NDCC 43-62

Law Implemented: NDCC 43-62-14(2)(3)(4), 43-62-15