

**LOUISIANA REVISED
STATUTE**

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**THE LOUISIANA RADIOLOGIC
TECHNOLOGIST LICENSING LAW**

**LOUISIANA STATE RADIOLOGIC
TECHNOLOGY BOARD OF
EXAMINERS**

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CHAPTER 45. LICENSED RADIOLOGIC TECHNOLOGIST

§3200. Definitions

As used in this Chapter:

- (1) "Board" means the Radiologic Technology Board of Examiners.
- (2) "Fusion technologist" means a person, other than a licensed practitioner, who under the direction and supervision of a licensed practitioner applies radiation while operating fusion technology imaging equipment or uses radioactive materials on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner.
- (3) "Fusion technology" means the operation of positron emission tomography (PET) and computed tomography (CT) imaging equipment or any other hybrid imaging equipment identified and recognized by the board.
- (4) "License" means a certificate issued by the board authorizing the licensee to use radioactive materials or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes in accordance with the provisions of this Chapter.
- (5) "Licensed practitioner" means a person licensed to practice medicine, dentistry, podiatry, chiropractic, or osteopathy in this state, or an advanced practice registered nurse licensed to practice in this state.
- (6) "Nuclear medicine technologist" means a person, other than a licensed practitioner, who under the direction and supervision of a licensed practitioner uses radioactive materials on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner.
- (7) "Radiation therapy technologist" means a person, other than a licensed practitioner, who under the direction and supervision of a licensed practitioner applies radiation to humans for therapeutic purposes upon prescription of a licensed practitioner.
- (8) "Radiographer" means a person, other than a licensed practitioner, who under the direction and supervision of a licensed practitioner applies radiation to humans for diagnostic purposes upon prescription of a licensed practitioner.
- (9) "Radiologic technologist" means any person who is a radiographer, a radiation therapy technologist, a fusion technologist, or a nuclear medicine technologist licensed under this Chapter who under the direction and supervision of a licensed practitioner applies radiation to humans upon prescription of a licensed practitioner.
- (10) "Radiologic technology" means the use of a radioactive substance or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner.
- (11) "Radiological physicist" means a person who is certified by the American Board of Radiology in radiological physics or one of the subspecialties of radiological physics or who is eligible for such certification.
- (12) "Radiologist" means a physician certified by the American Board of Radiology or the American Osteopathic Board of Radiology, the British Royal College of Radiology, or certified as a radiologist by the Canadian College of Physicians and Surgeons.

Acts 1984, No. 485, §1; Acts 2001, No. 640, §1; Acts 2010, No. 75, §1; Acts 2014, No. 250, §1.

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

- A. There is hereby created within the Louisiana Department of Health the Radiologic Technology Board of Examiners which shall carry out the purposes and enforce the provisions of this Chapter, subject to the provisions of R.S. 36:803.
- B.(1) The board shall consist of eleven members appointed by the governor of whom:
 - (a) Four shall be radiologic technologists selected from a list submitted by the Louisiana Society of Radiologic Technologists.
 - (b) Three shall be hospital administrators, each of whom shall be currently employed by a hospital, selected from a list of nine names submitted by the Louisiana Hospital Association.
 - (c) Three shall be radiologists selected from a list of nine names submitted by the Louisiana State Medical Society; and
 - (d) One shall be a consumer member selected from the state at large.
- (2) Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.
- C. Radiological members of the board shall be licensed pursuant to the provisions of this Chapter and shall be residents of the state who have been actively practicing in their fields for not less than five years.

- D.(1) The consumer member of the board shall possess all of the following qualifications:
- (a) Is a citizen of the United States and has been a resident of Louisiana for at least one year immediately prior to appointment.
 - (b) Has attained the age of majority.
 - (c) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).
 - (d) Has never been convicted of a felony.
 - (e) Does not have and has never had a material financial interest in the healthcare profession.
- (2) The consumer member shall be a full voting member of the board with all rights and privileges conferred on board members, except that the consumer member shall not participate in the grading of individual examinations.
- E. Each hospital administrator appointed to the board pursuant to Subsection B of this Section shall remain employed by a hospital for the duration of his membership on the board. Any hospital administrator who ceases to be employed by a hospital shall be ineligible to serve on the board and shall immediately resign therefrom. If such member fails to resign, the board shall, at its next meeting, remove such member by a vote of a majority of its members.

Acts 1984, No. 485, §1. Acts 1986, No. 1039, §1, eff. July 17, 1986; Acts 1992, No. 841, §1; Acts 2018, No. 515, §2.

§3202. Terms of members; vacancies

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

Acts 1984, No. 485, §1.

§3203. Domicile of board

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

Acts 1984, No. 485, §1.

§3204. Officers of the board

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

Acts 1984, No. 485, §1.

§3205. Meetings; quorum

- A. The chairman of the board, or in his absence the highest ranking vice chairman, shall preside at all meetings.
- B. The board, for administrative purposes, shall meet at a time and place to be fixed by the board at least every three months and at such other times as may be necessary.
- C.(1) The first meeting of the board shall be for organizational purposes only, at which time it will pursuant to the Administrative Procedure Act propose rules and regulations and establish the responsibilities of members.
(2) The first meeting of the board shall be held within ninety days after the effective date of this Chapter.
- D. A majority of the board constitutes a quorum. No action may be taken by the board except by affirmative vote of the majority of the members present and voting.

Acts 1984, No. 485, §1; Acts 2014, No. 250, §1.

§3206. Compensation of members; expenses

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

Acts 1984, No. 485, §1.

§3207. Duties and powers of the board

- A. The board shall:
 - (1) Formulate rules to govern its actions.
 - (2) Examine, license, renew licenses of, and issue temporary working permits to duly qualified applicants for licensure as radiologic technologists.
 - (3) Promulgate pursuant to the Administrative Procedure Act minimum standards for the accreditation of educational programs to train individuals to perform radiologic procedures in the state.
 - (4) Conduct hearings upon charges calling for discipline of a licensee.
 - (5) Keep a record of all board proceedings.
 - (6) Adopt and revise rules and regulations pursuant to the Administrative Procedure Act necessary to enable the board to administer the provisions of this Chapter.
 - (7) Have all other powers necessary and proper to the performance of its duties.
- B. The board may:
 - (1) Establish pursuant to the Administrative Procedure Act a code of ethics for radiologic technologists.
 - (2) Establish pursuant to the Administrative Procedure Act continuing education requirements for license renewal.
 - (3) Employ legal counsel to represent the board in all matters pertaining to the administration of this Chapter and fix the compensation and define the duties of such counsel.

Acts 1984, No. 485, §1; Acts 1985, No. 797, §1.

§3208. Qualifications of applicants

- A. An applicant for licensure under the provisions of this Chapter must verify by oath or affirmation that he is:
 - (1) At least eighteen years of age and
 - (2) Has successfully completed a four-year course of study in a secondary school approved by the State Board of Elementary and Secondary Education, passed an approved equivalency test, or have graduated from a secondary school outside Louisiana having comparable approval.
- B. Each applicant for a license as a radiologic technologist shall have successfully completed a course of study in radiography, radiation therapy technology, fusion technology, or nuclear medicine technology approved by the board in accordance with standards promulgated by the board.

Acts 1984, No. 485, §1; Acts 2010, No. 75, §1; Acts 2014, No. 250, §1.

§3209. Examination

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

Acts 1984, No. 485, §1; Acts 2014, No. 250, §1.

§3210. Examination; persons exempt

- A. Upon application and the payment of a fee equivalent to that required for the written examination and initial licensing fee, the board shall issue a license to any person who holds a current certificate from the American Registry of Radiologic Technologists, the American Society of Clinical Pathologists, or the Nuclear Medicine Technology Certification Board issued on the basis of an examination satisfactory to the board, provided that the standards of the issuing body are at least as stringent as those established by the board.
- B. Notwithstanding the provisions of R.S. 37:3208, for a period not to exceed one year from the effective date of this Chapter, upon application and the payment of a fee equivalent to that required for the written examination and initial licensing fee, the board shall issue a license, without examination, to any person who has been employed for a minimum of two years of the immediately preceding five years as a radiographer, nuclear medicine technologist, or radiation therapy technologist.
- C. Upon application and payment for examination for initial licensure, the board may issue a working permit to any graduate of an approved school who meets the qualifications for licensure as provided in R.S. 37:3208 pending results of the first certification examination following the applicant's graduation.
- D. Upon application and payment for licensure, the board may issue a temporary permit to any person who holds a certificate from the American Registry of Radiologic Technologists, the American Society of Clinical Pathology, (NM) or the Nuclear Medicine Technology Certification Board issued on the basis of an examination satisfactory to the board, provided that standards of the issuing body are at least as stringent as those established by the board. This permit shall be valid for a period not to exceed ninety days.

Acts 1984, No. 485, §1; Acts 1985, No. 797, §1; Acts 1986, No. 1039, §1, eff. July 17, 1986; Acts 2014, No. 250, §1.

§3211. Licensure

The board shall issue a license to and authorize the use of the title "Licensed Radiologic Technologist" by each applicant who has successfully passed the certification examination or has otherwise been qualified under the provisions of this Chapter and has paid all fees required by this Chapter.

Acts 1984, No. 485, §1; Acts 2014, No. 250, §1.

§3212. Licensing by reciprocity

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

Acts 1984, No. 485, §1.

§3213. Necessity of license; prohibited acts

- A. No person shall assume or use the title or designation of "Licensed Radiologic Technologist" unless he holds a current license issued to him in accordance with the provisions of this Chapter.
- B. No person, other than a licensed practitioner, dental hygienist, dental assistant, chiropractor's assistant, person who performs diagnostic or therapeutic radiological examination or treatment, or both, in a private office of a physician or in a clinic performing such activities under the direct supervision of a physician, or a radiologic technologist licensed under this Chapter, shall use ionizing radiation or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes.
- C. No person shall knowingly employ as a radiologic technologist any person required by the provisions of this Chapter to hold a license who does not hold a license under this Chapter.
- D. No person holding a license under this Chapter shall use radioactive substances or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes unless under the direction and supervision of a licensed practitioner and unless so directed by prescription of a licensed practitioner.

Acts 1984, No. 485, §1.

§3214. Licensure; persons exempt

The requirements of a license shall not apply to:

- (1) A student enrolled in and attending a board-approved educational program or college of radiologic technology who applies ionizing radiation to humans while under the supervision of a licensed practitioner or a licensed radiologic technologist.
- (2) Dental hygienists and dental assistants authorized by the Louisiana State Board of Dentistry to perform certain radiologic procedures for the purpose of diagnosis or treatment of dental conditions upon the direct supervision of a licensed dentist.
- (3) Chiropractors' assistants certified and authorized by the Louisiana Board of Chiropractic Examiners to perform certain radiologic procedures for diagnostic purposes upon prescription of a licensed chiropractor.
- (4) Persons certified and authorized by the Louisiana State Board of Medical Examiners to perform diagnostic or therapeutic radiological examinations or treatment or both on the premises of the private office of a physician or in a clinic in which a physician practices upon prescription of and under the direction and supervision of a licensed physician.

Acts 1984, No. 485, §1; Acts 1985, No. 797, §§1,2; Acts 2018, No. 206, §3.

§3215. Renewal of license

- A. Every person licensed under the provisions of this Chapter shall renew his license every two years. Upon the receipt of the application for renewal and the renewal fee, the board shall verify the accuracy of the application for renewal and issue to the applicant a certificate of renewal.
- B. Renewal of a license issued under this Chapter may be contingent upon the fulfillment of continuing education requirements as promulgated by the board.

Acts 1984, No. 485, §1.

§3216. Reinstatement of license

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

Acts 1984, No. 485, §1.

§3217. Penalty

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

Acts 1984, No. 485, §1.

§3218. Fees

- A. The board shall promulgate, in accordance with the Administrative Procedure Act, a reasonable fee schedule for the issuance, renewal, or reinstatement of any license or permit, for administration of examinations for licensure, or for any other administrative function provided for in this Chapter. The fee schedule may be modified from time to time as deemed necessary by the board.
- B. All fees collected pursuant to the provisions of this Section shall be paid to the secretary-treasurer of the board and shall be used to carry out the purposes of this Chapter.

Acts 1984, No. 485, §1; Acts 1985, No. 797, §1; Acts 2014, No. 250, §1.

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

- A. The board may suspend or revoke any license to practice as a radiologic technologist or censure, reprimand, or otherwise discipline a licensee upon proof that the person:
- (1) Is guilty of fraud or deceit in the procurement or holding of the license.
 - (2) Has been convicted of a felony in a court of competent jurisdiction, either within or outside of this state, unless the conviction has been reversed and the holder of the license discharged and acquitted; or if the holder has been pardoned with full restoration of civil rights, in which case the license shall be restored.
 - (3) Is or has been afflicted with any medical problem, disability, or addiction which, in the opinion of the board, would impair professional competence.
 - (4) Has aided and abetted a person who is not a licensed radiologic technologist or otherwise authorized by this Chapter to perform the duties of a license holder.
 - (5) Has undertaken or engaged in any practice beyond the scope of duties permitted a license holder under this Chapter.
 - (6) Has been found guilty of violations of a code of ethics which the board may establish by regulation.
 - (7) Has interpreted a diagnostic image for a licensed practitioner, a patient, the patient's family, or the public.
 - (8) Is or has been found guilty of incompetence or negligence in his performance as a license holder.
 - (9) Has applied radiation to humans without a prescription from a licensed practitioner as defined in this Chapter.
 - (10) Has applied radiation to humans without the direction and supervision of a licensed practitioner as defined in this Chapter.
- B. Proceedings against the holder of a license under this Chapter shall be instituted in compliance with the provisions of the Administrative Procedure Act as contained in R.S. 49:950, et seq.
- C. Appeals of the board's order imposing disciplinary action shall be made as provided in the Administrative Procedure Act.

Acts 1984, No. 485, §1.

§3220. Temporary or limited purpose permits

- A. The board may:
- (1) Issue temporary permits authorizing the practice of radiologic or fusion technology for a designated period of time.
 - (2) Issue permits for specific purposes with restrictions as to the type of radiologic or fusion technology activities that may be engaged in.
 - (3) Issue permits to radiologic technologists participating in educational and training programs which include the administration of radiologic or fusion technology services to patients.
- B. The board may adopt rules and regulations, pursuant to the Administrative Procedure Act, which establish the necessary qualifications, requirements, and formalities for the issuance of such permits as are necessary for the adequate protection of the health and welfare of the citizens of this state.

Acts 2010, No. 75, §1.

§3221. Clinical experience requirements for ARRT CT examination

Under the authority granted by R.S. 37:3220, the board may issue a temporary permit authorizing the performance of the clinical requirements of the American Registry of Radiologic Technologists (ARRT) Computed Tomography (CT) specialty examination to a licensed nuclear medicine technologist while under the supervision of a licensed radiographer for a term not to exceed one year.

Acts 2010, No. 75, §1.

SUBCHAPTER D. HEALTHCARE SERVICES
PART I. ACCESS TO MAMMOGRAMS ACT

§1211.1. Screening mammography permitted

- A. Notwithstanding any provision of law to the contrary, including but not limited to R.S. 37:3213 and R.S. 37:3219, any person who may legally perform a mammography in this state may perform a screening mammography without the direction by prescription of a licensed practitioner.
- B. A facility offering screening mammography may request a referral for a screening mammogram from a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners.

Acts 2001, No. 1116, §2; Redesignated from R.S. 40:1300.181 by HCR 84 of 2015 R.S.

§1211.2. Notification of results

- A. Each patient shall be given the opportunity to name a physician to receive the results of any screening mammogram performed without the direction by prescription of a licensed practitioner.
- B. The report of results mailed to the patient and to any physician named pursuant to Subsection A of this Section shall clearly state whether the need for any follow-up care is indicated by the mammogram.

Acts 2001, No. 1116, §2; Redesignated from R.S. 40:1300.182 by HCR 84 of 2015 R.S.; Acts 2015, No. 378, §1, eff. Jan. 1, 2016.

NOTE: See Acts 2015, No. 378, §2(B), which provides that the Act shall be known as the "Monica Landry Helo Early Detection Act".

§1211.3. Notice concerning supplemental screening

- A. Upon completion of any screening mammogram, regardless of whether the mammogram was directed by prescription of a licensed practitioner, each mammography facility certified by the United States Food and Drug Administration or by a certification agency approved by the United States Food and Drug Administration shall mail to the patient, in addition to any letter or report required by 21 CFR Part 900, the following notice in conspicuous and legible type which is not smaller than twelve-point font: "If your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities, and you have other risk factors for breast cancer that have been identified, you might benefit from supplemental screening tests that may be suggested by your ordering physician. Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern, but rather to raise your awareness and to promote discussion with your physician regarding the presence of other risk factors, in addition to dense breast tissue. A summary of your mammography results will be sent to you, and a full mammography report will be sent to your physician and also to you. You should contact your physician if you have any questions or concerns regarding your summary or report of results."
- B. The notice provided for in this Section may be transmitted to the patient by either regular mail or certified mail via the United States Postal Service, or by any other commercial mail delivery service.
- C. Notwithstanding any other law, compliance with this Section does not create a cause of action or create a standard of care, obligation, or duty that provides a basis for a cause of action.
- D. The information required by this Section or evidence that a person violated this Section shall not be admissible in a civil, judicial, or administrative proceeding.

Acts 2015, No. 378, §§1, 3, eff. Jan. 1, 2016.

§1211.4. Mammography and ultrasound reports; transmittal to patients required

- A. Each mammography facility certified by the United States Food and Drug Administration or by a certification agency approved by the United States Food and Drug Administration and every healthcare facility that performs breast ultrasound examinations shall transmit to each mammography and ultrasound patient the following, as appropriate to the procedure performed:
 - (1) A copy of the patient's mammography report, as defined in 21 CFR 900.12(c), issued by the facility to the patient's referring physician.
 - (2) A copy of the patient's full narrative radiology report of ultrasound findings.
- B.(1) Each healthcare facility subject to the requirements of this Section shall transmit the mammography and ultrasound reports specified in Subsection A of this Section to patients within the time frame prescribed in 21 CFR 900.12(c) for communication of mammography results to healthcare providers.

- (2) A healthcare facility subject to the requirements of this Section may transmit mammography and ultrasound reports to patients in any manner that comports with the provisions of 42 CFR Part 164 relative to security and privacy of health information.
- C. In addition to providing reports to patients in accordance with Subsection A of this Section, a healthcare facility may provide such reports electronically through an electronic patient portal that meets applicable standards provided in federal law and regulation.

Acts 2015, No. 378, §§1, 3, eff. Jan. 1, 2016.

§1211.5. Limitation of liability

- A. Any liability or responsibility for any subsequent or follow-up care and treatment of an individual who receives a screening mammogram pursuant to R.S. 40:1211.2 on the part of the performer of that screening mammogram or any physician performing an assessment of a screening mammogram shall cease upon delivery of the results or report of such screening mammogram to the screened or tested individual and to any physician named by the patient to receive such results. These results shall be sent by certified mail, return receipt requested, and shall comply with the reporting requirements for mammography results in the federal Mammography Quality Standards Act, 42 U.S.C. 263b, and any regulations promulgated pursuant thereto, including 21 CFR 900.1 et seq.
- B. The liability of a supervising licensed practitioner for follow-up of patients following a screening mammogram shall be limited to informing the patient and a designated physician in accordance with the guidelines issued under the Mammography Quality Standards Act, 42 U.S.C. 263b, and any regulations promulgated pursuant thereto, including 21 CFR 900.1 et seq.

Acts 2001, No. 1116, §2; Redesignated from R.S. 40:1300.183 by HCR 84 of 2015 R.S.; Acts 2015, No. 378, §1, eff. Jan. 1, 2016.