

10.32.~~[14]~~13 Unlicensed Limited X-Ray Machine Operators

.01 Scope.

A. This chapter governs the performance of certain X-ray duties without a license ~~[to]~~ by a registered Limited X-ray Machine Operator.

B. This chapter may not be construed to:

(1) Apply to ~~[certified, registered, or]~~ licensed professionals or health occupation students acting pursuant to Health Occupations Article, Annotated Code of Maryland; and

(2) Mean that this chapter overrides or is to be used in lieu of more stringent regulations, policies, and procedures established by State licensure or certification requirements or Board-recognized accrediting agencies.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “ARRT” means American Registry of Radiologic Technologists.

(2) ~~["Authorized supervisor" means a Maryland licensed physician or a Maryland licensed radiologic technologist.~~

~~(3) “Board” [means the State Board of Physicians.] has the meaning stated in Health Occupations, § 14-101, Annotated Code of Maryland.~~

~~(4) (3) “Certified radiologic technologist” means an individual who holds an active license and is certified in radiologic technology by the ARRT.~~

~~[(5)]~~ (4) “Competency” means the successful completion of supervised clinical procedures to verify the individual’s professional knowledge, skills, and ability.

~~[(6)]~~ (5) “Direct supervision” means ~~[oversight exercised by an authorized supervisor who is in the physical presence of the unlicensed individual and is able to provide instruction during the performance of an X-ray procedure.]~~ *the supervisor is:*

(a) Physically present on the premises;

(b) Personally treating the patient; and

(c) In the presence of the patient while services are provided.

~~[(7)]~~ (6) “[~~Licensed~~] Physician” means *an individual*, ~~[unless the context requires otherwise, a physician, including a doctor of osteopathy, licensed by the Board to practice medicine in the State]~~ *licensed to practice medicine in Maryland under Health Occupations Article, Title 14, Annotated Code of Maryland.*

~~[(8)]~~ (7) “[~~Licensed~~] Radiologic technologist” means ~~[unless the context requires otherwise,]~~ an individual licensed by the Board as a radiographer in the State.

~~[(9)]~~ (8) Limited Scope X-ray Educational Program.

(a) “Limited scope X-ray educational program” means an educational program that meets the requirements of Health Occupations Article, §14-306, Annotated Code of Maryland.

(b) “Limited scope X-ray educational program” is not a radiography educational program.

~~[(10)]~~ (9) “LXMO” means a Limited X-Ray Machine Operator registered with the Board.

~~[(11)]~~ (10) “Immediately available supervision” means oversight exercised by ~~[an authorized]~~ a supervisor who can be immediately available to provide direction in person, by telephone, or by other electronic means.

~~[(12)]~~ (11) “Readily retrievable” means maintained in a method by which ~~[an office]~~ a health care facility, a physician’s office, or an employer can retrieve and produce the record for the Board or the Office of Controlled Substances Administration of the Maryland Department of Health upon request.

.03 Application for Initial Registration[, Renewal, and Reinstatement].

A. ~~[To apply for LXMO registration, an applicant shall:]~~ *A. To qualify for a registration, an LXMO shall meet the requirements of 10.32.01 of this subtitle and § B of this regulation.*

~~[(1) Pay the fee determined by the Board established in Regulation .09 of this chapter, and~~

~~(2) Complete a form provided by the Board attesting to:]~~

B. An applicant for a registration as a registered LXMO shall attest to:

- (a) Completion of at least 6 months of clinical care experience;
- (b) Completion of a limited scope X-ray educational program consisting of at least 115 hours of didactic training delivered by a certified radiologic technologist providing instruction in:
 - (i) Radiographic anatomy, procedures, and pathology;
 - (ii) Digital image acquisition and display;
 - (iii) Fundamentals, ethics, and laws of health care;
 - (iv) Human anatomy and physiology;
 - (v) Image production and analysis;
 - (vi) Imaging equipment and radiation production;
 - (vii) Medical terminology; and
 - (viii) Patient care;
- (c) Completion of at least 480 hours of clinical training performed under the direct supervision of a certified radiologic technologist;
- (d) Completion of a minimum of five competencies in each body part listed in Regulation .06B(2) of this chapter performed under the direct supervision of a certified radiologic technologist; and
- (e) Achievement of a passing result of 75 percent or higher on the ARRT Examination for Limited Scope of Practice in Radiography or a passing result on an alternative exam as determined by the Board.

~~[(3) Criminal History Records Check. An applicant shall submit to a criminal history records check in accordance with Health Occupations Article, §14-308.1, Annotated Code of Maryland, by submitting to the Central Repository:~~

~~(a) Two complete sets of legible fingerprints taken on forms approved by the Central Repository and the Federal Bureau of Investigation; and~~

~~(b) All fees required by the Central Repository and the Federal Bureau of Investigation.~~

~~B. Renewal:~~

~~(1) Before the expiration of the registration, an individual applying for renewal shall complete an application for renewal on the form supplied by the Board.~~

~~(2) LXMO registration shall be renewed every 2 years on the date set by the Board.~~

~~(3) An LXMO shall pay the renewal fee, and any additional charges set by the Board in accordance with Regulation .09 of this chapter.~~

~~(4) An LXMO shall attest to the completion of continuing education activities as specified in Regulation .04 of this chapter.~~

~~(5) The Board may request an LXMO to submit evidence of having met the continuing education requirement specified in Regulation .04 of this chapter.~~

~~(6) If an LXMO cannot demonstrate completion of the required continuing education credit hours, the Board may impose a civil penalty of up to \$100 per missing continuing education hour.~~

~~(7) If an LXMO fails to renew their registration for any reason, the registration will expire.~~

~~(8) After the expiration of the registration, an individual is no longer authorized to practice as an LXMO.~~

~~(9) The Board may impose a civil penalty of up to \$1,000 on the individual and a civil penalty of up to \$5,000 on the employer of the individual for practicing without registration if a formerly registered individual:~~

~~(a) Fails to submit an application and pay the requisite renewal fee before the expiration of the registration; and~~

~~(b) Practices as a LXMO after the expiration of the registration.~~

C. Reinstatement.

~~(1) The Board shall reinstate the registration of an LXMO if the individual:~~

~~(a) Completes the reinstatement application on the form approved by the Board;~~

~~(b) Pays a reinstatement fee as determined by the Board in accordance with Regulation .09 of this chapter; and~~

~~(c) Documents evidence of completion of at least 24 hours of approved continuing education earned during the 2-year period preceding the date of the submission of the application for reinstatement for the registration as an LXMO;~~

~~(2) The applicant shall submit to a criminal history records check in accordance with Health Occupations Article, §14-308.1, Annotated Code of Maryland, by submitting to the Central Repository:~~

~~(a) Two complete sets of legible fingerprints taken on forms approved by the Central Repository and the Federal Bureau of Investigation; and~~

~~(b) All fees required by the Central Repository and the Federal Bureau of Investigation.]~~

.04 Renewal, Reinstatement, and Continuing Education.

A. Renewal. The Board shall renew the registration of an LXMO if the LXMO meets:

(1) The requirements of 10.32.01 of this subtitle; and

(2) The continuing education requirements of § C of this regulation.

B. Reinstatement. The Board shall reinstate the registration of an LXMO who fails to renew the registration if the LXMO:

(1) Is of good moral character;

(2) Applies for reinstatement after the date the registration expires;

(3) Completes a criminal history records check in accordance with Health Occupations, 14-308.1, Annotated Code of Maryland; and

(4) Pays to the Board the reinstatement fee set by the Board in accordance with Regulation .09 of this chapter.

C. Continuing Education.

(1) An LXMO shall complete at least 24 hours of approved continuing education credits earned during the 2 years preceding ~~[the expiration of the registration.]~~:

(a) For registration renewal, the expiration of a registration for an LXMO; or

(b) For registration reinstatement, the date of submission of the application for reinstatement.

~~[B. Approved continuing education is as follows:~~

~~(1) In-service programs at a hospital or related institution as defined in Health-General Article, §19-301, Annotated Code of Maryland, or a health maintenance organization certified by the State; or~~

~~(2) Programs relevant to the practice of an LXMO approved by the:~~

~~(a) Maryland Society of Radiologic Technologists;~~

~~(b) American Medical Association;~~

~~(c) MedChi, the Maryland State Medical Society; or~~

~~(d) American Society of Radiologic Technologists.]~~

~~[C.]~~ (2) An LXMO shall obtain documentation of continuing education attendance and retain this documentation for the succeeding 6 years for possible inspection by the Board.

~~[D.]~~ (3) The required documentation of attendance at a continuing education course shall contain, at a minimum:

~~[1.]~~ (a) Program title;

~~[2.]~~ (b) Sponsor's name;

~~[3.]~~ (c) LXMO's name;

~~[4.]~~ (d) Inclusive date or dates and location of the continuing education event;

~~[5.]~~ (e) The number of ~~[designated]~~ continuing education hours earned; and

~~[(6)]~~ (f) Documented verification ~~[of a successful completion]~~ that the LXMO attended the program by stamp, signature, print-out, or other official proof.

(4) The Board may request an LXMO to submit evidence of having met the continuing education requirements set forth in this regulation.

(5) If an LXMO cannot demonstrate completion of the required continuing education credit hours, the Board may impose a civil penalty of up to \$100 per missing credit hour.

(6) Approved continuing education is as follows:

(a) In-service programs at a hospital or related institution as defined in Health-General Article, §19-301, Annotated Code of Maryland, or a health maintenance organization certified by the State; or

(b) Programs relevant to the practice of an LXMO approved by the:

(i) Maryland Society of Radiologic Technologists;

(ii) American Medical Association;

(iii) MedChi, the Maryland State Medical Society; or

(iv) American Society of Radiologic Technologists.

(7) The continuing education requirement applies to all renewal applications after the first renewal.

.05 Physician Office Requirements.

A. ~~[An LXMO shall wear an identification badge while on-site that states in readily visible type:~~

~~(1) The name of the LXMO; and~~

~~(2) The title "Limited X-Ray Machine Operator."~~

~~B.] A physician's office employing an LXMO shall:~~

~~(1) Issue the LXMO an identification badge described in §A of this regulation;~~

~~(2) Verify all credentials of the LXMO;] verify all credentials of the LXMO.~~

~~[(3)]~~ B. Keep readily retrievable, on-site documentation that the LXMO meets the requirements of Health Occupations Article, §14-306, Annotated Code of Maryland and this chapter;

~~[(4)]~~ C. Permit the Board to inspect the documentation to ensure compliance with Health Occupations Article, §14-306, Annotated Code of Maryland and this chapter; and

~~[(5)]~~ D. Verify all X-ray examinations performed by the LXMO are in accordance with Health Occupations Article, §14-306, Annotated Code of Maryland and this chapter.

.06 Scope of Practice.

A. An LXMO shall perform X-ray duties in a physician's office under the immediately available supervision of a ~~[licensed]~~ physician or ~~[licensed]~~ radiologic technologist and in accordance with §B of this regulation.

B. An individual registered as an LXMO may perform X-ray duties without a license only if the duties:

(1) Do not include:

(a) Computerized or non-computerized tomography;

(b) Fluoroscopy;

(c) Invasive radiology;

(d) Mammography;

(e) Nuclear medicine;

(f) Radiation therapy; or

(g) Xerography; and

(2) Are limited to X-ray procedures of the:

(a) Chest;

(b) Spine, including the:

(i) Cervical spine;

- (ii) Lumbar spine;
- (iii) Sacroiliac joints;
- (iv) Sacrum and coccyx; and
- (v) Thoracic spine;
- (c) Lower extremities, including:
 - (i) Toes;
 - (ii) The foot;
 - (iii) The ankle;
 - (iv) The calcaneus;
 - (v) The tibia and fibula;
 - (vi) The knee and patella; and
 - (vii) The femur; and
- (d) Upper extremities, including:
 - (i) Fingers;
 - (ii) The hand;
 - (iii) The wrist;
 - (iv) The forearm;
 - (v) The elbow;
 - (vi) The humerus;
 - (vii) The shoulder;
 - (viii) The clavicle;
 - (ix) Acromioclavicular joints; and
 - (x) The scapula.

.07 Prohibited Conduct [and Penalties].

A. An LXMO acting beyond the scope of this chapter may be:

- (1) Considered to be engaged in the unlicensed practice of radiography; and
- (2) Subject to all applicable penalties and fines in accordance with Health Occupations Article, §§14-601, 14-602 and 14-5B-17, Annotated Code of Maryland, and COMAR 10.32.02.

B. A supervising ~~[licensed]~~ physician or ~~[licensed]~~ radiologic technologist, through either act or omission, facilitation, or otherwise enabling or forcing an LXMO to practice beyond the scope of this chapter, may be subject to discipline for grounds within Health Occupations Article, §§14-404(a) or 14-5B-14, Annotated Code of Maryland, including, but not limited to, practicing medicine with an unauthorized person or aiding an unauthorized person in the practice of medicine.

C. A supervising ~~[licensed]~~ physician or ~~[licensed]~~ radiologic technologist may not:

- (1) Require an LXMO to perform an X-ray procedure; and
- (2) Permit an LXMO to delegate to another individual.

D. A physician's office that employs an individual authorized to perform X-ray duties without a license is responsible for ensuring that all requirements of Health Occupations Article, §14-306, Annotated Code of Maryland, and this chapter are met for each X-ray examination performed.

.08 Enforcement.

A. The Board shall conduct any necessary investigation regarding the failure to comply with the requirements of Health Occupations Article, §14-306, Annotated Code of Maryland, and this chapter.

B. The Board may impose a civil penalty of up to \$5,000 per incident on a physician's office for failure to comply with Health Occupations Article, §14-306, Annotated Code of Maryland, and this chapter.

~~[C. The Board may impose a civil penalty of up to \$5,000 per incident on a physician's office who employs an unregistered individual to practice as an LXMO.~~

~~D. The Board may impose a civil penalty of up to \$1,000 per incident on an individual for failure to comply with Health Occupations Article, §14-306, Annotated Code of Maryland, and this chapter.]~~

.09 Fees.

The following fees are applicable to LXMOs:

A. *Initial Registration.*

(1) ~~[Application for]~~ Initial registration *application fee* —\$65;

(2) *Fee for remaining months after first renewal* — \$2 per month

B. ~~[Renewal Fees:]~~ *Renewal of Registration.*

(1) ~~[Renewal of]~~ Registration *renewal application fee*—\$125; and

(2) Maryland Health Care Commission (MHCC) fee—As determined by MHCC in accordance with COMAR 10.25.~~[03]~~02;

C. Reinstatement ~~[of registration]~~ fee—\$135;

D. Application to take the Limited Scope of Practice in Radiology examination *fee*—\$10;

E. ~~[LXMO registration fee per month until expiration of initial registration — \$2; and~~

~~F.]~~ Written verification fee—\$25.