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10.32.14 Unlicensed **Limited X-Ray Machine Operator** [~~Assistant~~]

.01 Scope.

[Upon written receipt of notice from the Maryland Radiological Society that, before October 1, 2002, an individual met the requirements of Health Occupations Article, §14-306(e), Annotated Code of Maryland, the Board shall issue a certificate authorizing the individual to perform X-ray duties without a license as described in Health Occupations Article, §14-306(e), Annotated Code of Maryland.]

A. This chapter governs the performance of certain X-ray duties without a license to 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.

- (4) **“Certified radiologic technologist” means an individual who holds an active license and is certified in radiologic technology by the ARRT.**
- (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;**
- (6) **“Licensed physician” means, unless the context requires otherwise, a physician, including a doctor of osteopathy, licensed by the Board to practice medicine.**
- (7) **“Licensed radiologic technologist” means, unless the context requires otherwise, an individual licensed by the Board as a radiologic technologist.**
- (8) **“LXMO” means a Limited X-Ray Machine Operator registered with the Board and meets the requirements of .03 of this regulation.**
- (9) **"Immediately available supervision" means oversight exercised by an authorized supervisor who can be immediately available to provide direction in person, by telephone, or by other electronic means.**
- (10) **“Readily retrievable” means a record or document maintained in a method by which a site can retrieve and produce the record for the Board upon request.**
- (11) **"Physician’s office" means any facility or location used for the delivery of health services, including but not limited to those defined in Health-General Article, §§19-114 and 19-3B-01(b), Annotated Code of Maryland.**

.03 Qualifications and Requirements

A. To apply for LXMO registration, an applicant shall:

- (1) Pay the fee determined by the Board; and**
- (2) Complete a form provided by the Board attesting to:**
 - (a) Completion of at least 6 months of clinical care experience;**
 - (b) Completion of a limited scope X-ray education 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 item .04(B)(2) of this regulation performed under the direct supervision of a certified radiologic technologist; and

(e) Achieved a passing result of 75% 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) Additional Requirements. 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:

- (1) Two complete sets of legible fingerprints taken on forms approved by the Central Repository and the Federal Bureau of Investigation; and**
- (2) 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 the application for renewal on a form supplied by the Board.

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

(3) An LXMO shall pay the renewal fee and any additional charges set by the Board.

- (4) If an LXMO fails to renew their registration for any reason, the registration will expire.**
- (5) After the expiration of the registration, an individual is no longer authorized to practice as an LXMO.**
- (6) 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 a LXMO if the individual:
 - (a) Completes the reinstatement application on a form approved by the Board.**
 - (b) Pays a reinstatement fee as determined by the Board; and**
 - (c) Documents evidence of:
 - (i) Completion of at least 24 hours of approved continuing education earned during the 2-year period preceding the date of the submission for reinstatement for the registration as a 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.****

D. 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.**
- (2) 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.

(3) An LXMO shall obtain documentation of continuing education attendance and retain this documentation for the succeeding 6 years for possible inspection by the Board; and

(4) The required documentation of attendance at a continuing education course shall contain, at a minimum:

(a) Program title;

(b) Sponsor's name;

(c) LXMO's name;

(d) Inclusive date or dates and location of the continuing education event;

(e) Number of designated continuing education hours; and

(f) Documented verification of a successful completion.

E. 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".

F. A physician's office employing an LXMO shall:

(1) Issue the LXMO an identification badge in accordance with this regulation;

(2) Verify all credentials of the LXMO;

(3) Keep readily retrievable, on-site documentation that the LXMO meets the requirements of Health Occupations, §14-306, Annotated Code of Maryland, and this regulation;

(4) Permit the Board to inspect the documentation to ensure compliance with Health Occupations, §14-306, Annotated Code of Maryland and this regulation; and

(5) Verify all X-ray examinations performed by the LXMO are in accordance with Health Occupations, §14-306, Annotated Code of Maryland.

.04 Scope of Practice

A. An LXMO shall perform X-ray duties under the immediately available supervision of a licensed physician or licensed radiologic technologist and in accordance with subsection (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;**

(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. Foot;**
 - iii. The ankle;**
 - iv. The calcaneus;**
 - v. The tibia and fibula;**

- vi. The knee and patella; and
- vii. The femur.

(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.

.06 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, §§14-602 and 14-607, 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) and 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, §14-306, Annotated Code of Maryland, and this regulation are met for each X-ray examination performed.

.07 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. A physician's office that employs an LXMO will face a civil penalty of up to \$5,000 for failure to comply with Health Occupations, §14-306, Annotated Code of Maryland, and this regulation per incident.

C. An individual registered as an LXMO will face a civil penalty of up to \$1,000 for failure to comply with Health Occupations, §14-306, Annotated Code of Maryland, and this regulation per incident.