

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1559 Session of
2011

INTRODUCED BY READSHAW, CALTAGIRONE, SABATINA, DONATUCCI, DALEY,
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MAY 18, 2011

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 18, 2011

AN ACT

1 Regulating medical physicists; establishing the State Board of
2 Medical Physicists; providing for funds, for licensure, for
3 disciplinary action, for remedies, for penalties and for
4 preemption.

5 The General Assembly of the Commonwealth of Pennsylvania
6 finds and declares as follows:

7 The practice of medical physics by unqualified individuals is
8 a threat to public health and safety. It is, therefore, the
9 responsibility of the Commonwealth to protect public health and
10 safety from the harmful effects of excessive and unnecessary
11 radiation by ensuring that the practice of medical physics is
12 entrusted only to individuals licensed under this act.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Short title.

16 This act shall be known and may be cited as the Medical
17 Physicists Law.

18 Section 2. Definitions.

1 The following words and phrases when used in this act shall
2 have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 **"Account."** The Professional Licensure Augmentation Account.

5 **"Applicant."** An individual who applies for a license.

6 **"Board."** The State Board of Medical Physicists.

7 **"Bureau."** The Bureau of Professional and Occupational
8 Affairs.

9 **"Clinical."** Activities directly relating to the treatment of
10 diagnosis of human ailments.

11 **"Commissioner."** The Commissioner of Professional and
12 Occupational Affairs.

13 **"Conviction."** A judgment of guilt, an admission of guilt or
14 a plea of nolo contendere.

15 **"Department."** The Department of State of the Commonwealth.

16 **"Diagnostic radiological physics."** The branch of medical
17 physics relating to the diagnostic applications of x-rays, gamma
18 rays from sealed sources, ultrasonic radiation, radio frequency
19 radiation and magnetic fields; the equipment associated with
20 their production, use, measurement and evaluation; and the
21 quality of images resulting from their production and the use of
22 medical health physics associated with this subfield.

23 **"License."** A license to practice medical physics under this
24 act.

25 **"Licensee."** An individual who holds a license to practice
26 medical physics.

27 **"Medical health physics."** The branch of medical physics
28 pertaining to the safe use of x-rays, gamma rays, electron and
29 other charged particle beams or neutrons or radionuclides and of
30 radiation from sealed and unsealed radionuclide sources for

1 diagnostic and therapeutic purposes and the instrumentation
2 required to perform appropriate radiation surveys.

3 "Medical nuclear physics." The branch of medical physics
4 pertaining to the therapeutic and diagnostic applications of
5 radionuclides, except those used in sealed sources for
6 therapeutic purposes; the equipments associated with their
7 production, use, measurement and evaluation; and the quality of
8 the images resulting from their production and use and the
9 medical health physics associated with this subfield.

10 "Medical physics." The branch of physics that is associated
11 with the practice of medicine.

12 "Practice of medical physics." The use of principles and
13 accepted protocols of physics to provide the quality, quantity
14 and placement of radiation during the performance of a
15 radiological procedure.

16 "Radiation." Ionizing or nonionizing radiation above
17 background levels which is used to perform a diagnostic or
18 therapeutic medical or dental radiological procedure.

19 "Radiological physics." Diagnostic radiological physics,
20 therapeutic radiological physics or radiation oncology physics,
21 medical nuclear physics and medical health physics.

22 "Radiological procedure." A test, measurement, calculation
23 or radiation exposure used in the diagnosis or treatment of
24 disease or other medical or dental conditions in human beings
25 that includes therapeutic radiation, diagnostic radiation,
26 nuclear magnetic resonance or nuclear medicine procedures.

27 "Specialty" or "special area." The following branch or
28 branches of special competence within medical physics:
29 diagnostic radiological physics, medical health physics, medical
30 nuclear physics, radiation oncology physics and therapeutic

1 radiological physics.

2 "Therapeutic radiological physics" or "radiation oncology
3 physics." The branch of medical physics relating to the
4 therapeutic applications of x-rays, gamma rays, electron and
5 charged particle beams, neutrons and radiations from sealed
6 radionuclide sources; the equipment associated with their
7 production, use, measurement, and evaluation; the quality of
8 images resulting from their production and use; and the medical
9 health physics associated with this subfield.

10 Section 3. Board.

11 (a) Establishment.--There is established the State Board of
12 Medical Physicists, an administrative board within the
13 department. The board shall consist of 11 members who are
14 citizens of the United States and who have been residents of
15 this Commonwealth for at least a five-year period prior to the
16 effective date of this section. The board shall be composed of
17 the following individuals:

18 (1) One member who is a member of the public.

19 (2) Four members who meet the educational and experience
20 qualifications for licensure under section 5. One member
21 shall be from each of the following specialties:

22 (i) Diagnostic radiological physics.

23 (ii) Therapeutic radiological or radiation oncology
24 physics.

25 (iii) Medical nuclear physics.

26 (iv) Medical health physics.

27 (3) Three members shall be licensed physicians
28 represented by each of the following specialties:

29 (i) Diagnostic radiology.

30 (ii) Radiation therapy or radiation oncology.

(iii) Nuclear medicine.

(4) The Secretary of Health or a designee.

(5) The Attorney General or a designee.

(6) The commissioner or a designee.

(b) Term of office.--Except as provided in subsection (c),

6 the members of the board shall serve for four-year terms and

7 shall be appointed by the Governor by and with the advice and

8 consent of a majority of the members elected to the Senate.

9 (c) Initial appointments.--Within 180 days of the effective
10 date of this section, the Governor shall nominate two
11 professional members to serve four-year terms, one public member
12 and one professional member to serve three-year terms, one
13 professional member to serve two-year terms and one professional
14 member to serve a one-year term. A professional member initially
15 appointed to the board under this act need not be licensed by
16 the Commonwealth at the time of appointment, but at the time of
17 appointment must have satisfied the eligibility requirements for
18 licensure and must have practiced medical physics for five
19 consecutive years or more immediately preceding the
20 appointments.

21 (d) Continuation in office.--Each board member shall

22 continue in office until a successor is appointed and qualified

23 but no longer than six months after the expiration of the term.

24 If a board member shall die, resign or otherwise become

25 disqualifed during the term of office, a successor shall be

26 appointed in the same way and with the same qualifications as

27 set forth in this section and shall hold office for the

28 unexpired portion of the term.

29 (e) Limit on terms.--No board member shall be eligible for

30 reappointment to serve more than two consecutive four-year

1 terms.

2 (f) Forfeiture of membership.--A professional or public
3 member who fails to attend three meetings in 18 months shall
4 forfeit the member's seat unless the commissioner, upon written
5 request from the member, finds that the member should be excused
6 from a meeting because of illness or death of a family member.

7 (g) Compensation.--A member of the board, except the
8 commissioner, shall receive per diem compensation at the rate of
9 \$60 when actually attending to the work of the board. Members
10 shall also receive reasonable traveling, hotel and other
11 necessary expenses incurred in the performance of their duties
12 in accordance with regulations.

13 (h) Forfeiture for nonattendance.--A public member who fails
14 to attend two consecutive statutorily mandated conferences in
15 accordance with section 813(e) of the act of April 9, 1929
16 (P.L.177, No.175), known as The Administrative Code of 1929,
17 shall forfeit the public member's seat unless the commissioner,
18 upon written request from the public member, finds that the
19 public member should be excused from a meeting because of
20 illness or the death of a family member.

21 (i) Quorum.--A majority of the members of the board shall
22 constitute a quorum for the purposes of conducting the business
23 of the board. Except for temporary and automatic suspensions
24 under section 9(d), a member may not be counted as part of a
25 quorum or vote on any issue unless the member is physically in
26 attendance at the meeting.

27 (j) Chairperson.--The board shall annually select a
28 chairperson from among its members.

29 (k) Meetings.--The board shall meet at least four times a
30 year in Harrisburg and at other times and places as the board

1 shall determine is necessary to conduct board business.

2 (1) Operating procedures.--The board shall meet within 30
3 days after the appointment of its initial members and shall
4 institute operating procedures and an application form for
5 licensing medical physicists. It shall be the responsibility of
6 the board to educate the public as to the requirements of
7 licensing in order to hold oneself out or to practice as a
8 licensed medical physicist within this Commonwealth.

9 Section 4. Powers and duties of board.

10 The board has the following powers and duties:

11 (1) To pass upon the qualifications and fitness of
12 applicants for licenses and reciprocal licenses.

13 (2) To promulgate regulations not inconsistent with this
14 act and only as necessary to carry out this act.

15 (3) To examine, deny, approve, issue, revoke, suspend or
16 renew licenses of medical physicists under this act and to
17 conduct hearings in connection with those powers and duties.

18 (4) To submit annually a report to the Consumer
19 Protection and Professional Licensure Committee of the Senate
20 and the Professional Licensure Committee of the House of
21 Representatives containing a description of the types of
22 complaints received, status of the cases, board action which
23 has been taken and length of time from the initial complaint
24 to final board resolution.

25 (5) To submit annually to the Appropriations Committee
26 of the Senate and the Appropriations Committee of the House
27 of Representatives, within 15 days after the Governor has
28 submitted a budget to the General Assembly, a copy of the
29 budget request for the upcoming fiscal year which the board
30 previously submitted to the department.

1 (6) To establish standards of eligibility for license
2 renewal. These standards shall include, but not be limited
3 to, the demonstration of satisfactory completion of
4 continuing education related to the practice of medical
5 physics in accordance with board regulations. No credit may
6 be given for courses in office management or practice
7 building. The board may waive all or part of the continuing
8 education requirement to a licensee who shows to the
9 satisfaction of the board that the licensee was unable to
10 complete the requirement due to illness, emergency or
11 hardship.

12 Section 5. Qualification for licensure.

13 (a) Applicants.--An applicant shall be considered to be
14 qualified for a license if the applicant submits proof
15 satisfactory to the board of all of the following:

16 (1) The applicant is of good moral character.

17 (2) The applicant has completed a graduate degree from
18 an accredited college or university in accordance with
19 regulations developed by the board.

20 (3) The applicant has passed an examination under
21 section 7.

22 (4) The applicant has paid a fee as established by the
23 board by regulation.

24 (5) The applicant has not been convicted of a felony
25 under the act of April 14, 1972 (P.L.233, No.64), known as
26 The Controlled Substance, Drug, Device and Cosmetic Act, or
27 of an offense under the laws of another jurisdiction which,
28 if committed in this Commonwealth, would be a felony under
29 The Controlled Substance, Drug, Device and Cosmetic Act,
30 unless the following apply:

(i) At least ten years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the board that the applicant has made significant progress in personal rehabilitation since the conviction and that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violations.

(iii) The applicant otherwise satisfies the qualifications required under this act.

(b) Waiver of standardized examination.--

(1) The board may promulgate regulations that allow for an individual to receive a license in a specialty without taking the standardized examination so long as the individual:

(i) Meets all other requirements for the license.

(ii) Has graduated from:

(A) an approved bachelor's degree program and has a total of 15 years of full-time work experience in the specialty field; or

(B) an approved master's or doctoral degree program and has a total of two years of full-time work experience in the past seven years and one year of full-time work experience in the past ten years in the specialty field.

(2) This waiver shall only be granted within two years of the effective date of this act.

(c) Temporary practice permit.--

1 (1) The board may issue a temporary practice permit to
2 an applicant before the applicant has received board
3 certification by a national certifying board in the field of
4 medical physics recognized by the board, or to an applicant
5 currently enrolled in an approved graduate or postgraduate
6 program for medical physics.

7 (2) The temporary practice permit issued under paragraph
8 (1) shall be renewable at the discretion of the board and
9 shall expire on the earlier of:

- 10 (i) two years from the date of issuance; or
11 (ii) the date the applicant fails the licensing
12 examination.

13 (3) An applicant licensed in a specialty of medical
14 physics who is in good standing for two years in another
15 jurisdiction that has licensing requirements that are
16 substantially equivalent to this act as determined by the
17 board if the applicant has also:

- 18 (i) Passed a national or other examination
19 recognized by the board relating to the specialty of
20 medical physics.

21 (ii) Is sponsored by a person licensed under this
22 act with whom the professional license holder will
23 practice during the time the applicant holds a temporary
24 license.

25 (4) The temporary practice permit shall only authorize
26 the holder to practice medical physics under the direct
27 supervision of a licensed medical physicist and only in the
28 specialty of the licensed medical physicist.

29 (5) Medical physics experience obtained in this
30 Commonwealth credited to the experience requirement for

1 licensure must be obtained under a temporary license.

2 (d) Transferability.--A license and a temporary practice
3 permit are not transferable.

4 Section 6. Biennial renewal of license.

5 (a) Duration of license.--A license shall be valid for two
6 years. The expiration date shall be established by regulation of
7 the board. Application for renewal of a license shall be
8 forwarded to an individual holding a current license prior to
9 the expiration date of the current renewal.

10 (b) Procedure.--To renew a license, a licensee must do all
11 of the following:

12 (1) File a renewal application with the board which
13 includes certification of successful completion of continuing
14 education in the field of medical physics during the
15 immediately preceding two years as required by the board.

16 Certification of continuing education credit hours submitted
17 by the medical physicist shall be properly signed by the
18 medical physicist as being correct and true.

19 (2) Pay a fee established by regulation of the board.

20 (c) Inactive status.--Any person licensed under this act may
21 request an application for inactive status. The application may
22 be completed and returned to the board. Upon receipt of each
23 application, the applicant shall be maintained on inactive
24 status without fee and shall be entitled to apply for an active
25 license at any time. An application to reactivate a license
26 which has been placed on inactive status for less than five
27 years shall be accompanied by a verification of nonpractice, the
28 renewal fee and documentation evidencing the satisfactory
29 completion of the continuing education requirement for the
30 preceding biennial period. Any person who requests an active

1 status license who has been on inactive status for a period of
2 five consecutive years or longer shall, prior to receiving an
3 active license, satisfy the requirements of the board's
4 regulations for ensuring continued competence and remit the
5 required fee. A person shall not be denied active status as a
6 result of any increased educational requirements for licensure
7 since the time he or she received his or her original license.

8 (d) Reporting of multiple licensure.--A licensee who is
9 licensed to practice medical physics in another jurisdiction
10 shall report this information to the board on the license
11 renewal application. Any disciplinary action taken in another
12 jurisdiction shall be reported to the board on the license
13 renewal application or within 90 days of final disposition,
14 whichever is sooner. Multiple licensure in other states shall be
15 noted by the board on the licensee's record, and the other
16 licensing jurisdiction shall be notified by the board of any
17 disciplinary actions taken against the licensee in this
18 Commonwealth.

19 Section 7. Examinations.

20 The board shall require an applicant to have passed a
21 national or other examination in the field of medical physics
22 recognized by the board.

23 Section 8. Reciprocity.

24 The board has the power to grant a reciprocal license without
25 further examination to an applicant who is licensed or certified
26 as a medical physicist or similar practice in another state and
27 has demonstrated qualifications which equal or exceed those
28 required under this act in the determination of the board. No
29 license shall be granted under this section to an applicant
30 unless the state in which the applicant is licensed affords

1 reciprocal treatment to individuals who are residents of this
2 Commonwealth and who are licensed under this act.

3 Section 9. Refusal, suspension and revocation of licenses.

4 (a) Grounds.--The board may refuse, suspend, revoke, limit
5 or restrict a license or discipline a licensee for any of the
6 following:

7 (1) Being convicted under Federal law, under the law of
8 any state or under the law of another jurisdiction of a crime
9 of moral turpitude or of an offense which, if committed in
10 this Commonwealth, would constitute a felony.

11 (2) Being found to have engaged in immoral or
12 unprofessional conduct. In proceedings based on this
13 paragraph, actual injury to the client need not be
14 established. As used in this paragraph, the term
15 "unprofessional conduct" includes a departure from or failure
16 to conform to the standards of acceptable and prevailing
17 practice.

18 (3) Violating standards of professional practice or
19 conduct as established by board regulation.

20 (4) Presenting false credentials or documents or making
21 a false statement of fact in support of the individual's
22 application for a license.

23 (5) Submitting a false or deceptive license renewal to
24 the board.

25 (6) Having a license suspended, revoked or refused or
26 receiving other disciplinary action by the proper licensing
27 authority of another jurisdiction.

28 (7) Violating a regulation promulgated by the board or
29 violating an order of the board previously entered in a
30 disciplinary proceeding.

1 (8) Incompetence, negligence or misconduct in carrying
2 out the practice of medical physics.

3 (9) Practicing beyond the licensee's defined scope of
4 practice.

5 (10) Knowingly aiding, assisting, hiring or advising
6 someone in the unlawful practice of medical physics.

7 (11) Being unable to practice with reasonable skill and
8 safety by reason of illness, drunkenness, use of drugs,
9 narcotics, chemicals or any other type of material or as a
10 result of any mental or physical condition. In enforcing this
11 paragraph, the board, upon probable cause, has authority to
12 compel a licensee to submit to a mental or physical
13 examination by a physician approved by the board. Failure of
14 a licensee to submit to an examination when directed by the
15 board, unless the failure is due to circumstances beyond the
16 licensee's control, may result in a default and final order
17 entered against the licensee without the taking of testimony
18 or presentation of evidence. A licensee affected under this
19 paragraph shall be afforded an opportunity to demonstrate
20 that the licensee can resume competent practice with
21 reasonable skill and safety.

22 (b) Board action.--If the board finds that the license or
23 application for license may be refused, revoked, restricted or
24 suspended under the terms of subsection (a), the board may do
25 any of the following:

26 (1) Deny the application for a license.

27 (2) Administer a public reprimand.

28 (3) Revoke, suspend, limit or otherwise restrict a
29 license.

30 (4) Require a licensee to submit to the care, counseling

1 or treatment of a physician.

2 (5) Suspend enforcement of its findings and place a
3 licensee on probation with the right to vacate the
4 probationary order for noncompliance.

5 (6) Restore a suspended license and impose any
6 disciplinary or corrective measure which it might originally
7 have imposed.

8 (c) Administrative Agency Law.--Actions of the board under
9 subsections (a) and (b) are subject to 2 Pa.C.S. Chs. 5 Subch. A
10 (relating to practice and procedure of Commonwealth agencies)
11 and 7 Subch. A (relating to judicial review of Commonwealth
12 agency action).

13 (d) Temporary and automatic suspension.--A license issued
14 under this act shall be temporarily suspended under
15 circumstances determined by the board to be an immediate and
16 clear danger to the public health and safety. The board shall
17 issue an order to that effect without a hearing, but upon due
18 notice, to the licensee concerned at his or her last known
19 address, which shall include a written statement of all
20 allegations against the licensee. The provisions of subsection
21 (c) shall not apply to temporary suspension. The board shall
22 thereupon commence formal action to suspend, revoke or restrict
23 the license of the person concerned as otherwise provided for in
24 this act. All actions shall be taken promptly and without delay.
25 Within 30 days following the issuance of an order temporarily
26 suspending a license, the board shall conduct or cause to be
27 conducted a preliminary hearing to determine that there is a
28 prima facie case supporting the suspension. The licensee whose
29 license has been temporarily suspended may be present at the
30 preliminary hearing and may be represented by counsel, cross-

1 examine witnesses, inspect physical evidence, call witnesses,
2 offer evidence and testimony and make a record of the
3 proceedings. If it is determined that there is not a prima facie
4 case, the suspended license shall be immediately restored. The
5 temporary suspension shall remain in effect until vacated by the
6 board, but in no event longer than 180 days.

7 Section 10. Reinstatement of license.

8 Unless ordered to do so by a court of competent jurisdiction,
9 the board shall not reinstate a license which has been revoked.
10 An individual whose license has been revoked may reapply for a
11 license after a period of at least five years, except for a
12 period of at least ten years if the license was revoked because
13 the license holder was convicted of a felony as described in
14 section 5(a)(5) and must meet all of the licensing requirements
15 of this act.

16 Section 11. Setting of fees and disposition of fees, fines and
17 civil penalties.

18 (a) Setting of fees.--All fees required under this act shall
19 be fixed by the board by regulation and shall be subject to the
20 act of June 25, 1982 (P.L.633, No.181), known as the Regulatory
21 Review Act. If the revenues raised by the fees, fines and civil
22 penalties imposed under this act are not sufficient to meet
23 expenditures over a two-year period, the board shall increase
24 those fees by regulation so that projected revenues will meet or
25 exceed projected expenditures.

26 (b) Fee increase.--If the bureau determines that the fees
27 established by the board under subsection (a) are inadequate to
28 meet the minimum enforcement efforts required by this act, then
29 the bureau, after consultation with the board and subject to the
30 Regulatory Review Act, shall increase the fees by regulation in

1 an amount that adequate revenues are raised to meet the required
2 enforcement effort.

3 (c) Disposition of fees, fines and civil penalties.--All
4 fees, fines and civil penalties imposed in accordance with this
5 act shall be paid into the Professional Licensure Augmentation
6 Account.

7 (d) Fees permitted.--The board may charge a fee, as set by
8 the board by regulation, for all examinations, registrations,
9 renewals, certifications, licenses or applications permitted by
10 this act or regulations under this act.

11 Section 12. Public access to list of licensees.

12 The board shall maintain a current list of any person
13 licensed with the board. The list shall be posted on the board's
14 Internet website and shall be subject to the act of February 14,
15 2008 (P.L.6, No.3), known as the Right-to-Know Law.

16 Section 13. Other professions.

17 Nothing in this act shall be construed as preventing,
18 restricting or requiring licensure of any of the following
19 activities:

20 (1) The practice of a profession by an individual who is
21 licensed, certified or registered by a Commonwealth agency
22 under other law and who is performing services or advertising
23 within the authorized scope of practice.

24 (2) The practice of medical physics by an individual
25 employed by the Federal Government while the individual is
26 engaged in the performance of duties under Federal law.

27 (3) A student enrolled in an approved medical physics
28 education program who is:

29 (i) conducting medical physics activities under the
30 supervision of:

- (A) a licensee; or
- (B) instructors or supervisors who meet the licensing criteria of the Department of Education or board; and

enrolled in a school approved by the Department or by the board.

7 Section 14. Unlawful practice.

8 (a) General rule.--Except as set forth in section 13(1) and
9 (2), an individual may not practice medical physics or hold
10 oneself out as a medical physicist unless licensed by the board.

11 (b) Title.--Only an individual licensed under this act shall
12 use the title "licensed medical physicist."

13 (c) Employment.--An individual, corporation, partnership,
14 firm or other entity may not employ an individual in medical
15 physics unless the individual is licensed by the board.

16 (d) Terminology.--Except as set forth in section 13(1), a
17 business entity may not utilize in connection with a business
18 name or activity any derivative of the terms and their related
19 abbreviations which implies directly or indirectly that medical
20 physics services are being provided, unless services of the
21 business are provided by licensees. The board shall promulgate
22 regulations on this subsection.

23 (e) Injunction.--It shall be unlawful for any person to
24 practice or attempt to offer to practice medical physics as
25 defined in this act without having, at the time of so doing, a
26 valid, unexpired, unrevoked and unsuspended license issued under
27 this act. The unlawful practice may be enjoined by the courts on
28 petition of the board or the commissioner. In any such
29 proceeding, it shall not be necessary to show that any person is
30 individually injured by the actions complained of. If it is

1 determined that the respondent has engaged in the unlawful
2 practice, the court shall enjoin the respondent from so
3 practicing unless and until the respondent has been duly
4 licensed. Procedure in such cases shall be the same as in any
5 other injunction suit. The remedy by injunction hereby given is
6 in addition to any other civil or criminal prosecution and
7 punishment.

8 (f) Remedy cumulative.--The injunctive remedy provided in
9 this section shall be in addition to any other civil or criminal
10 prosecution and punishment.

11 Section 15. Violation of act.

12 (a) General rule.--Notwithstanding any law to the contrary,
13 a person that violates a provision of this act commits a
14 misdemeanor of the third degree and shall, upon conviction, be
15 sentenced to pay a fine of not more than \$1,000 or to
16 imprisonment for not more than six months for the first
17 violation and to pay a fine of not more than \$2,000 or to
18 imprisonment for not less than six months nor more than one
19 year, or both, for each subsequent violation.

20 (b) Civil penalty.--In addition to any other civil remedy or
21 criminal penalty provided for in this act, the board, by a vote
22 of the majority of the maximum number of the authorized
23 membership of the board or by a vote of the majority of the
24 qualified and confirmed membership or a minimum of five members,
25 whichever is greater, may levy a civil penalty of up to \$10,000
26 on any of the following:

27 (1) A medical physicist who violates a provision of this
28 act.

29 (2) A person that employs a medical physicist in
30 violation of this act.

1 (3) An individual who holds himself out as a licensee
2 without being properly licensed as provided in this act.

3 (4) The responsible officers or employees of a
4 corporation, partnership, firm or other entity that violates
5 a provision of this act.

6 (c) Assessment of costs of investigation.--The board may
7 assess against the respondent in a disciplinary action under
8 this act, as part of the sanction, the cost of investigation
9 underlying that disciplinary action.

10 (d) Administrative Agency Law.--Action of the board under
11 subsection (b) is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating
12 to practice and procedure of Commonwealth agencies) and 7 Subch.
13 A (relating to judicial review of Commonwealth agency action).

14 Section 16. Preemption.

15 This act shall preempt and supersede any ordinance relating
16 to the licensure or regulation of medical physics by a political
17 subdivision in effect on the effective date of this section.

18 Section 17. Effect of licensure.

19 Licensure under this act shall not be construed as requiring
20 new or additional third-party reimbursement or otherwise
21 mandating coverage under 75 Pa.C.S. Ch. 17 (relating to
22 financial responsibility) or the act of June 2, 1915 (P.L.736,
23 No.338), known as the Workers' Compensation Act.

24 Section 18. Exemptions.

25 Nothing in this article shall be construed to:

26 (1) Affect, prevent or in any manner expand or limit the
27 authority of any person otherwise authorized by law or
28 regulation to practice any function of a medical physicist,
29 or any department of agency authorized by law or regulation
30 to regulate the use of radiation.

1 (2) Prohibit the repair or calibration of any test
2 equipment used by licensed medical physicists by any person
3 otherwise allowed to do so under Federal or State law.

4 (3) Serve to limit radiological or imaging technologists
5 or any individual otherwise authorized by law or regulation
6 from performing quality control measurements or obtaining
7 quality control data under the supervision of a licensed
8 medical physicist.

9 (4) Serve to limit a service engineer in the repair of
10 radiation-producing equipment or an installation engineer in
11 the installation of radiation-producing equipment.

12 Section 49. Funding.

13 Funds necessary for the payment of costs associated with
14 processing licenses and renewing licenses, for the operation of
15 the board and for other costs associated with this act shall be
16 transferred from the Professional Licensure Augmentation Account
17 to the department. The transferred funds shall be repaid by the
18 board to the account within three years of the beginning of
19 issuance of licenses by the State Board of Medical Physicists.

20 Section 50. Regulations.

21 The board shall promulgate regulations to carry out this act.
22 Publication of the final-form regulations under this section
23 shall take place within 18 months of the effective date of this
24 section. The board shall report, within 180 days of the
25 effective date of this section, and every 30 days thereafter, on
26 the status of the regulations to the Consumer Protection and
27 Professional Licensure Committee of the Senate and the
28 Professional Licensure Committee of the House of
29 Representatives.

30 Section 51. Effective date.

1 This act shall take effect as follows:

2 (1) The following provisions shall take effect
3 immediately:

4 (i) Sections 3, 4 and 50.

5 (ii) This section.

6 (2) The remainder of this act shall take effect in two
7 years.