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SENATE DRS75206-LUFqq-68A (03/15)

Short Title: NC CARE in Radiologic Imaging. (Public)

Sponsors: Senators Meredith and Bingham (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR THE REGULATION AND LICENSING OF PERSONS WHO
3 PERFORM AND ADMINISTER RADIOLOGIC IMAGING AND RADIATION
4 THERAPY PROCEDURES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 90 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 43.

9 "Radiologic Technologists and Radiation Therapists.

10 "§ 90-735. Title.

11 This Article may be cited as the "North Carolina Competency, Accuracy, Responsibility,
12 and Excellence (CARE) in Radiologic Imaging and Radiation Therapy Act."

13 "§ 90-736. Findings.

14 The General Assembly finds and declares that the citizens of this State are entitled to the
15 maximum protection practicable from the harmful effects of improperly performed radiologic
16 imaging and radiation therapy procedures and that protection and quality can be increased by
17 requiring appropriate education and licensure of persons operating equipment used for
18 radiologic imaging and radiation therapy procedures. Therefore, it is essential to establish
19 standards of education for these technologists and to provide for appropriate examination and
20 licensure.

21 "§ 90-737. Definitions.

22 The following definitions apply in this Article:

- 23 (1) Board. – The Radiologic Imaging and Radiation Therapy Board of
24 Examiners.
- 25 (2) Cardiovascular invasive specialist. – A person other than a licensed
26 practitioner who performs fluoroscopy to visualize cardiac or vascular
27 anatomy. Individuals licensed as a cardiovascular invasive specialist may not
28 perform computed tomography, magnetic resonance imaging,
29 mammography, radiation therapy, or radiography.
- 30 (3) Hybrid imaging or radiation therapy equipment. – Equipment that combines
31 more than one radiologic imaging modality into a single device.
- 32 (4) Ionizing radiation. – Radiation that may consist of alpha particles, beta
33 particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed
34 protons, or other particles capable of producing ions. Ionizing radiation does
35 not include radiation, such as radio frequency or microwaves, visible
36 infrared or ultraviolet light, or ultrasound.



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- 1 (5) License. – A certificate issued by the Board authorizing the licensee to use
2 radioactive materials, radiologic imaging or radiation therapy equipment on
3 humans for diagnostic or therapeutic purposes in accordance with the
4 provisions of this Article.
- 5 (6) Licensed practitioner. – A person licensed to practice medicine, dentistry,
6 podiatry, or chiropractic in this State.
- 7 (7) Limited X-ray machine operator. – A person other than a licensed
8 practitioner who performs limited diagnostic X-ray procedures using
9 equipment that emits external ionizing radiation resulting in diagnostic
10 radiographic images that are limited to select human anatomy. Individuals
11 licensed as a limited X-ray machine operator may not perform computed
12 tomography, fluoroscopy, magnetic resonance imaging, mammography,
13 procedures involving contrast media, radiation therapy, or mobile imaging.
- 14 (8) Magnetic resonance. – The use of magnetic fields and radio frequency
15 signals to create diagnostic images or dynamic images for medical purposes.
- 16 (9) Magnetic resonance technologist. – A person, other than a licensed
17 practitioner, who performs magnetic resonance procedures under the
18 supervision of a licensed physician using magnetic fields and radio
19 frequency signals.
- 20 (10) Medical physicist. – A person who is certified by the American Board of
21 Radiology, American Board of Medical Physics, American Board of Health
22 Physics, American Board of Science in Nuclear Medicine, or Canadian
23 College of Physics in Medicine in radiological physics or one of the
24 subspecialties of radiological physics.
- 25 (11) Nuclear medicine technologist. – A person other than a licensed practitioner
26 who, under the supervision of a licensed physician, performs a variety of (i)
27 nuclear medicine and molecular imaging procedures using sealed and
28 unsealed radiation sources, ionizing and nonionizing radiation, and
29 adjunctive medicine and (ii) therapeutic procedures, using unsealed
30 radioactive sources.
- 31 (12) Persons who administer radiologic imaging or radiation therapy procedures.
32 – Any person, other than a licensed practitioner, who administers radiologic
33 imaging or radiation therapy procedures to other persons for medical
34 purposes, including radiographers, radiation therapists, nuclear medicine
35 technologists, magnetic resonance technologists, cardiovascular invasive
36 specialists, and limited X-ray machine operators.
- 37 (13) Radiation therapist. – A person, other than a licensed practitioner, who
38 administers radiation to humans for therapeutic purposes.
- 39 (14) Radiographer. – A person, other than a licensed practitioner, who performs a
40 comprehensive set of diagnostic radiographic procedures under the
41 supervision of a licensed physician using external ionizing radiation to
42 produce radiographic, fluoroscopic, or digital images.
- 43 (15) Radiologic imaging. – Any procedure or article intended for use in the
44 diagnosis or visualization of disease or other medical conditions, including,
45 but not limited to, diagnostic X-rays, nuclear medicine, fluoroscopy,
46 magnetic resonance, and other procedures using ionizing radiation or
47 magnetic resonance.
- 48 (16) Radiologist. – A physician certified by or board-eligible to be certified for
49 the American Board of Radiology, the American Osteopathic Board of
50 Radiology, the British Royal College of Radiology, or the Canadian College
51 of Physicians and Surgeons in that medical specialty.

1 (17) Radiologist assistant. – An advanced level radiographer who works under
2 the supervision of a radiologist to perform patient assessment, patient
3 management, and selective clinical imaging procedures.

4 **"§ 90-738. License required; exemptions.**

5 (a) On or after October 1, 2014, no person shall administer or offer to administer
6 radiologic imaging or radiation therapy procedures on humans for diagnostic or therapeutic
7 purposes, as defined in this Article, or otherwise indicate or imply that the person is licensed to
8 administer radiologic imaging or radiation therapy procedures unless that person is currently
9 licensed as provided under this Article.

10 (b) The provisions of this Article shall not apply to the following:

11 (1) A licensed practitioner administering radiologic imaging or radiation therapy
12 procedures.

13 (2) A registered dental hygienist (RDH).

14 (3) A dental assistant I or II who has satisfactorily completed one of the
15 following:

16 a. The North Carolina radiography equivalency examination.

17 b. Dental assisting school through an American Dental Association
18 accredited program.

19 c. The Dental Assisting National Board examination.

20 d. Been classified as a dental assistant II in this State under the laws
21 regulating the practice of dentistry.

22 (4) A resident physician licensed under Article 1 of this Chapter.

23 (5) A student enrolled in and attending a school or college of medicine or
24 radiologic imaging or radiation therapy who performs radiologic imaging or
25 radiation therapy procedures on humans while under the supervision of a
26 licensed practitioner, radiographer, radiation therapist, nuclear medicine
27 technologist, magnetic resonance technologist, or cardiovascular invasive
28 specialist holding a license under this Article. New graduates awaiting
29 national accreditation may be issued a provisional license for employment
30 purposes for a period not to exceed one year.

31 (6) A person administering radiologic imaging or radiation procedures who is
32 employed by the United States government when performing duties
33 associated with that employment.

34 (7) A licensed sonographer.

35 (8) A licensed radiologist assistant.

36 **"§ 90-739. Scope of practice; limitations.**

37 (a) The Board shall establish licensure standards for a radiographer, radiation therapist,
38 nuclear medicine technologist, cardiovascular invasive specialist, magnetic resonance
39 technologist, and limited X-ray machine operator. As new modalities using ionizing radiation
40 or magnetic resonance for medical purposes are developed and merged with existing
41 modalities, the Board shall, after consulting with the appropriate radiologic imaging and
42 radiation therapy organizations, establish standards for (i) the education and credentialing of
43 persons performing radiologic imaging or dosimetric planning and (ii) delivering radiation
44 therapy.

45 (b) A person holding a license under this Article may use radioactive substances or
46 equipment emitting ionizing or nonionizing radiation for medical radiologic imaging and
47 radiation therapy procedures on humans for diagnostic or therapeutic purposes by prescription
48 of a licensed practitioner only, provided the application of a substance or the use of equipment
49 is limited in a manner specified under this Article.

50 (c) As related specifically to performance of computed tomography, the following
51 limitations shall apply:

- 1 (1) Individuals licensed to perform radiation therapy may only perform
2 computed tomography for treatment simulation.
- 3 (2) Individuals licensed to perform nuclear medicine may only perform
4 computed tomography fusion imaging on a hybrid unit.
- 5 (3) By January 1, 2016, all individuals licensed to perform radiologic imaging
6 and radiation therapy and computed tomography radiologic imaging must be
7 certified in computed tomography by the American Registry of Radiologic
8 Technologists.

9 **"§ 90-740. Radiologic Imaging and Radiation Therapy Board of Examiners.**

10 (a) Creation. – The North Carolina Radiologic Imaging and Radiation Therapy Board
11 of Examiners is created.

12 (b) Composition and Terms. – The Board shall consist of 11 members who shall serve
13 staggered terms. The Board members shall be appointed by the Governor and the initial Board
14 members shall be appointed on or before October 1, 2013, as follows:

- 15 (1) One member who is a registered radiographer who shall serve for a
16 three-year term.
- 17 (2) One member who is a registered nuclear medicine technologist who shall
18 serve for a two-year term.
- 19 (3) One member who is a registered radiation therapist who shall serve for a
20 one-year term.
- 21 (4) One member who is a full-time educator of a program that prepares
22 providers licensed under this Article who shall serve for a two-year term.
- 23 (5) One member who is a registered magnetic resonance technologist who shall
24 serve for a two-year term.
- 25 (6) One member who is a registered cardiovascular invasive specialist who shall
26 serve for a one-year term.
- 27 (7) One member who is a limited X-ray machine operator who shall serve for a
28 three-year term.
- 29 (8) One member who is a radiologist who shall serve for a two-year term.
- 30 (9) One member who is a medical physicist who shall serve for a three-year
31 term.
- 32 (10) One member who is a licensed physician practicing in a hospital setting who
33 shall serve for a three-year term.
- 34 (11) One public member who shall serve for a two-year term.

35 Upon the expiration of the terms of the initial Board members, members shall be appointed
36 for terms of three years and shall serve until their successors are appointed. No member may
37 serve more than two consecutive terms.

38 (c) Qualifications. – Except for the public member of the Board, every member of the
39 Board shall hold a valid license issued by the Board in the category of license for that member's
40 specialty, shall be a resident of this State, and shall remain in active practice and in good
41 standing with the Board as a licensee during his or her term. The public member shall be a
42 resident of this State and shall not be (i) a currently or actively licensed practitioner or (ii) a
43 person who administers radiologic imaging or radiation therapy procedures under this Article.

44 (d) Vacancies. – A vacancy shall be filled in the same manner as the original
45 appointment and shall be filled within 45 days after the vacancy occurs. Appointees to fill
46 vacancies shall serve the remainder of the unexpired term and until their successors have been
47 duly appointed and qualified.

48 (e) Removal. – The Board may remove any of its members for neglect of duty,
49 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a
50 licensee shall be disqualified from participating in the official business of the Board until the
51 charges have been resolved.

1 (f) Compensation. – Each member of the Board shall receive per diem and
2 reimbursement for travel and subsistence, as provided in G.S. 93B-5.

3 (g) Officers. – The officers of the Board shall be a chair, who shall be licensed under
4 this Article, a vice-chair, and other officers deemed necessary by the Board to carry out the
5 purposes of this Article. All officers shall be elected annually by the Board for one-year terms
6 and shall serve until their successors are elected and qualified.

7 (h) Meetings. – The Board shall hold at least two meetings each year to conduct
8 business and to review the standards and rules for improving the administration of radiologic
9 imaging or radiation therapy procedures. The Board shall establish the procedures for calling,
10 holding, and conducting regular and special meetings. A majority of Board members
11 constitutes a quorum.

12 **"§ 90-741. Powers of the Board.**

13 The Board shall have the following powers and duties:

- 14 (1) Administer this Article.
- 15 (2) Issue interpretations of this Article.
- 16 (3) Adopt, amend, or repeal rules as may be necessary to carry out the
17 provisions of this Article.
- 18 (4) Employ and fix the compensation of personnel that the Board determines is
19 necessary to carry into effect the provisions of this Article and incur other
20 expenses necessary to effectuate this Article.
- 21 (5) Examine and determine the qualifications and fitness of applicants for
22 licensure, renewal of licensure, and reciprocal licensure.
- 23 (6) Issue, renew, deny, suspend, or revoke licenses and carry out any
24 disciplinary actions authorized by this Article.
- 25 (7) Set fees for licensure, license renewal, and other services deemed necessary
26 to carry out the purposes of this Article.
- 27 (8) Conduct investigations for the purpose of determining whether violations of
28 this Article or grounds for disciplining licensees exist.
- 29 (9) Conduct administrative hearings in accordance with Chapter 150B of the
30 General Statutes when a contested case, as defined in G.S. 150B-2(2), arises
31 under this Article.
- 32 (10) Maintain a record of all proceedings and make available to licensees and
33 other concerned parties an annual report of all Board action.
- 34 (11) Develop standards and adopt rules for the improvement of the administration
35 of radiologic imaging or radiation therapy procedures in this State.
- 36 (12) Adopt a seal containing the name of the Board for use on all licenses and
37 official reports issued by it.

38 **"§ 90-742. Requirements for licensure.**

39 (a) The Board shall admit to examination for licensure any applicant who shall pay a
40 nonrefundable fee pursuant to rules adopted by the Board and submit satisfactory evidence,
41 verified by oath or affirmation, that the applicant meets the following criteria:

- 42 (1) At the time of the application is at least 18 years of age.
- 43 (2) Has successfully completed a four-year course of study in a secondary
44 school approved by the State Board of Education or passed an approved
45 equivalency test.

46 (b) In addition to the requirements of subsection (a) of this section, any person seeking
47 to obtain a license in a specific area of radiologic imaging or radiation therapy shall comply
48 with the following requirements:

- 49 (1) Each applicant for a license as a radiographer, radiation therapist, magnetic
50 resonance technologist, cardiovascular invasive specialist, or nuclear
51 medicine technologist shall have satisfactorily completed a course of study

1 in radiography, radiation therapy, magnetic resonance, cardiovascular
2 invasive specialty, or nuclear medicine, respectively, or its equivalent to be
3 determined by the Board.

4 (2) The curriculum for each course of study shall be no less stringent than the
5 standards approved by the Joint Review Committee on Education in
6 Radiologic Technology, Joint Review Committee on Nuclear Medicine
7 Technology, Commission on Accreditation of Allied Health Education
8 Programs, or any other appropriate accreditation agency approved by the
9 Board, provided the standards are not in conflict with Board policy.

10 (c) In addition to the requirements of subsection (a) of this section, any person seeking
11 a license as a limited X-ray machine operator shall comply with the following requirements:

12 (1) Have completed a course of study in limited X-ray machine operation
13 incorporating the American Society of Radiologic Technologists (ASRT)
14 Limited Scope Radiography Educational Curriculum approved by the Board.

15 (2) The scope of each permit is limited to performing the tasks described in this
16 subsection in nonaffiliated hospital clinics as follows:

17 a. Chest radiography permit: radiography of the thorax, heart, and
18 lungs.

19 b. Extremities radiography permit: radiography of the upper and lower
20 extremities, including the pectoral girdle.

21 c. Spine radiography permit: radiography of the vertebral column.
22 Spine radiology permit holders are limited to working under the
23 supervision of a licensed chiropractor.

24 d. Skull/sinus radiology permit: radiography of the skull and facial
25 structures.

26 e. Podiatric permit: radiography of the foot, ankle, and lower leg below
27 the knee. Podiatric permit holders are limited to working under the
28 supervision of a licensed podiatrist.

29 (d) The Board shall establish criteria and standards within the State for educational
30 programs in radiologic imaging and radiation therapy. The Board shall approve the educational
31 programs upon determining that the programs meet criteria and standards established by the
32 Board.

33 **"§ 90-743. Examinations.**

34 (a) Applicants for licensure as a radiographer, radiation therapist, nuclear medicine
35 technologist, magnetic resonance technologist, cardiovascular invasive specialist, or limited
36 permit X-ray operator shall be required to pass an examination approved by the Board.

37 (b) The Board shall accept current registration by the American Registry of Radiologic
38 Technologists, Nuclear Medicine Technologist Certification Board, Cardiovascular
39 Credentialing International, or other recognized national voluntary credentialing bodies,
40 provided that the standards of that body are substantially equivalent to those established by the
41 Board.

42 (c) The Board shall use a limited X-ray machine operator examination administered by
43 the American Registry of Radiologic Technologists for persons applying for a limited permit in
44 chest, extremity, skull/sinus, podiatric, or spine radiography, provided that the standards of that
45 body are substantially equivalent to those established by the Board.

46 **"§ 90-744. Issuance of license; temporary license; display of license.**

47 (a) Upon payment of the appropriate fee, the Board may issue a license to each
48 applicant who meets the requirements for licensure specified in this Article.

49 (b) The Board may issue a temporary license to any person whose licensure or license
50 renewal may be pending or when issuance may be justified by special circumstances. A
51 temporary license shall be issued only if the Board finds that it will not violate the purpose of

1 this Article or endanger the public health and safety. A temporary license shall expire 90 days
2 after the date of the next examination if the applicant is required to take the examination. If the
3 applicant does not take the examination on the scheduled date, the temporary license shall
4 expire. In all other cases, a temporary license shall expire when the determination is made
5 either to issue or deny the applicant a regular license. However, a temporary license shall not be
6 issued for a period longer than 180 days.

7 (c) Any person issued a license under this Article shall display the official license
8 document or a verified copy in each place of regular employment.

9 **"§ 90-745. Educational program approval.**

10 (a) A program approved by the Board in radiography, radiation therapy, nuclear
11 medicine technology, magnetic resonance technology, cardiovascular invasive specialist,
12 sonography, or limited X-ray machine operation may be offered by a medical facility or
13 educational institution. The program shall be affiliated with one or more hospitals or clinics
14 that, in the opinion of the Board, shall provide the requisite clinical education.

15 (b) Pursuant to rules adopted by the Board, the Board shall do the following:

16 (1) Establish procedures for an educational program to follow in making
17 application for approval by the Board.

18 (2) Provide a process for review of approval by a recognized national voluntary
19 accrediting organization.

20 **"§ 90-746. License renewal.**

21 (a) Every license issued under this Article shall be renewed on or before January 1
22 every two years. The license shall be renewed upon the payment of a renewal fee if, at the time
23 of application for renewal, the applicant is not in violation of this Article and has complied with
24 any continuing education requirements pursuant to rules adopted by the Board.

25 (b) As a condition of license renewal, each individual licensed as a radiographer,
26 radiation therapist, magnetic resonance technologist, cardiovascular invasive specialist, or
27 nuclear medicine technologist shall be required to complete 24 hours of continuing education
28 as approved by the Board. Individuals licensed as limited X-ray machine operators shall
29 complete 12 hours of continuing education approved by the Board. A licensee is not required to
30 duplicate the continuing education hours submitted to the American Registry of Radiologic
31 Technologists (ARRT) for renewal.

32 (c) The Board shall notify a licensee at least 30 days in advance of the expiration of his
33 or her license. The licensee shall inform the Board of any change of the licensee's address. Each
34 licensee is responsible for renewing his or her license before the expiration date. Licenses that
35 are not renewed automatically lapse.

36 (d) The Board may provide for the late renewal of an automatically lapsed license upon
37 the payment of a reinstatement fee. The licensee shall maintain credentialing in his or her
38 licensed specialty throughout the licensure period established by the credentialing body.

39 **"§ 90-747. Reciprocity.**

40 The Board may, upon application and payment of proper fees, grant a license to a person
41 who resides in this State and has been licensed, certified, or registered to perform or administer
42 radiologic imaging or radiation therapy procedures in another jurisdiction if that jurisdiction's
43 standards of competency are substantially equivalent to those provided in this Article in
44 accordance with rules adopted by the Board.

45 **"§ 90-748. Fees.**

46 (a) All fees shall be set by the Board pursuant to rules adopted under this Article. All
47 fees payable to the Board shall be deposited in the name of the Board in financial institutions
48 designated by the Board as official depositories and shall be used to pay all expenses incurred
49 in carrying out the purposes of this Article.

50 (b) All salaries, compensation, and expenses incurred or allowed to carry out the
51 purposes of this Article shall be paid by the Board exclusively out of the fees received by the

1 Board as authorized by this Article or funds received from other sources. In no case shall any
2 salary, expense, or other obligation of the Board be charged against the State treasury.

3 **"§ 90-749. Disciplinary authority.**

4 (a) The Board may deny, suspend, revoke, or refuse to renew a license or impose
5 probationary conditions on a license if the licensee or applicant for licensure has engaged in
6 any of the following conduct:

- 7 (1) Obtaining a license by means of fraud, misrepresentation, or concealment of
8 material facts.
- 9 (2) Engaging in unprofessional conduct pursuant to rules adopted by the Board.
- 10 (3) Having been convicted of or pleaded guilty or nolo contendere to a crime
11 involving moral turpitude or any crime which indicates that the licensee or
12 applicant is unfit or incompetent to administer radiologic imaging or
13 radiation therapy procedures or that the licensee or applicant has deceived or
14 defrauded the public.
- 15 (4) Engaging in any act or practice in violation of any of the provisions of this
16 Article or any rule adopted by the Board or aiding, abetting, or assisting any
17 person in such a violation.
- 18 (5) Committing an act or acts of malpractice, gross negligence, or incompetence
19 in administering radiologic imaging or radiation therapy procedures.
- 20 (6) Practicing as a person licensed to administer radiologic imaging or radiation
21 therapy procedures without a current license.
- 22 (7) Engaging in conduct that could result in harm or injury to the public.
- 23 (8) Having a license issued under this Article revoked or suspended or other
24 disciplinary action taken whether in this State or another jurisdiction.
- 25 (9) Being unfit or incompetent to administer radiologic imaging or radiation
26 therapy services by reason of deliberate or negligent acts or omissions
27 regardless of whether actual injury to a patient is established.

28 (b) The denial, refusal to renew, suspension, revocation, or imposition of probationary
29 conditions upon a license may be ordered by the Board after a hearing held in accordance with
30 Chapter 150B of the General Statutes and rules adopted by the Board. An application may be
31 made to the Board for reinstatement of a revoked license if the revocation has been in effect for
32 at least two years after the date of the Board's order revoking the license.

33 **"§ 90-750. Violation a misdemeanor.**

34 Any person who violates any provision of this Article shall be guilty of a Class 1
35 misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate
36 offense.

37 **"§ 90-751. Injunctive relief.**

38 The Board may make application to any appropriate court for an order enjoining violations
39 of this Article, and upon a showing by the Board that any person has violated or is about to
40 violate this Article, the court may grant an injunction, restraining order, or take other
41 appropriate action.

42 **"§ 90-752. Civil penalties.**

43 (a) Authority to Assess Civil Penalties. – The Board may assess a civil penalty not in
44 excess of one thousand dollars (\$1,000) for the violation of any section of this Article or the
45 violation of any rules adopted by the Board. The clear proceeds of any civil penalty assessed
46 under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with
47 G.S. 115C-457.2.

48 (b) Consideration Factors. – Before imposing and assessing a civil penalty, the Board
49 shall consider the following factors:

- 50 (1) The nature, gravity, and persistence of the particular violation.

- 1 (2) The appropriateness of the imposition of a civil penalty when considered
- 2 alone or in combination with other punishment.
- 3 (3) Whether the violation was willful and malicious.
- 4 (4) Any other factors that would tend to mitigate or aggravate the violations
- 5 found to exist.

6 (c) Schedule of Civil Penalties. – The Board shall establish a schedule of civil penalties
7 for violations of this Article and rules adopted by the Board.

8 (d) Costs. – The Board may assess the costs of disciplinary actions against any person
9 found to be in violation of this Article or rules adopted by the Board."

10 **SECTION 2.** The Radiologic Imaging and Radiation Therapy Board of Examiners
11 (Board) created under G.S. 90-740, as enacted in Section 1 of this act, shall adopt rules to
12 provide a method for recognition of individuals whose training and experience are determined,
13 at a minimum, to be equivalent to the training or experience of a graduate of an accredited
14 educational program in the individual's area of specialty. Any rules adopted by the Board
15 pursuant to this section shall expire seven years after the date this act becomes effective.

16 **SECTION 3.** This act is effective when it becomes law.