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4 **SYNOPSIS:** Under existing law, neurodiagnostic
5 technologists are not specifically licensed and regulated.
6 This bill would: provide for licensure and regulation of
7 Neurodiagnostic Technology (ND Technology); provide for and to
8 document the registration and licensure of ND Technologists;
9 regulate the field of ND Technology in the [INSERT STATE--ex:
10 GA, MN, AR etc]; create the [INSERT STATE--ex: GA, MN, AR
11 etc] Board of ND Technologists; create the [INSERT STATE--ex:
12 GA, MN, AR etc] Board of ND Technologists Fund; provide for an
13 appropriation to the [INSERT STATE--ex: GA, MN, AR etc]
14 Board of ND Technologists from the [INSERT STATE--ex: GA,
15 MN, AR etc] Board of ND Technologists Fund in the amount
16 deemed necessary for the fiscal year; provide for duties and
17 powers of the board; and prescribe penalties for violations of
18 this act.

19

A BILL

20

TO BE ENTITLED

21

AN ACT

22

23 **SECTION 1.** In the interest of assuring the health,
24 safety and welfare of patients; to provide for licensure and
25 regulation of Neurodiagnostic Technology; to provide for and
26 to document the registration and licensure of ND
27 Technologists; to regulate the field of ND Technology in

28 [INSERT STATE--ex: GA, MN, AR etc]; to provide requirements
29 for appropriate education and training of persons obtaining
30 licensure in accordance with established standards of
31 education and training for the persons who administer
32 neurodiagnostic procedures; to create the [INSERT STATE--ex:
33 GA, MN, AR etc] Board of ND Technologists; to create the
34 [INSERT STATE--ex: GA, MN, AR etc] Board of ND Technologists
35 Fund; to provide for an appropriation to the [INSERT STATE--
36 ex: GA, MN, AR etc] Board of ND Technologists from the
37 [INSERT STATE--ex: GA, MN, AR etc] Board of ND Technologists
38 Fund in the amount deemed necessary for the fiscal year; to
39 provide for duties and powers of the board; and to prescribe
40 penalties for violations of this act.

41 BE IT ENACTED BY THE LEGISLATURE OF [INSERT STATE--ex: GA,
42 MN, AR etc]:

43 **SECTION 2.** This act shall be cited and known as the
44 "[INSERT STATE--ex: GA, MN, AR etc] Neurodiagnostic
45 Technologists Practice Act."

46 **SECTION 3.** For the purposes of this act, the
47 following terms and definitions shall have the following
48 meanings unless otherwise stated within the context of the
49 act:

50 (1) Practice of Neurodiagnostics means the recording
51 of physiologic data from the central and peripheral nervous
52 system; analyzing and reporting the results in a manner
53 consistent with training, education, experience and

54 credentialing. These duties are performed under the general
55 supervision of a licensed physician. Neurodiagnostic
56 procedures are performed in all areas of the hospital,
57 including acute and critical care areas such as the operating
58 room, intensive care units and the emergency department.
59 Neurodiagnostic procedures are also performed in Independent
60 Testing Facilities, private clinics and the patients' homes.
61 The scope of practice of Neurodiagnostic Technology includes
62 but is not limited to: Autonomic Testing (AT);
63 Electroencephalography (EEG); Evoked Potentials (EP);
64 Intensive Care Unit/Continuous EEG monitoring (ICU/cEEG);
65 Intraoperative Neuromonitoring (IONM); Long Term Monitoring
66 (LTM); Nerve Conduction Studies (NCS). All modalities share
67 core knowledge and basic skills and each requires specific
68 additional knowledge and skills. Core knowledge and skills
69 are defined in competency standards as:

- 70 a. Establishes rapport with patients and/or family in
71 order to assess patient's mental age, learns relevant
72 medical history, assures appropriateness of testing,
73 and correlates patient history and clinical symptoms
74 to disease. Prepares a basic patient data sheet.
- 75 b. Understands physiology, anatomy and neuroanatomy
76 appropriate to the modality of testing.
- 77 c. Understands medications, medical terminology and
78 neurological conditions appropriate to modality of
79 testing.

- 80 d. Understands digital recording concepts, assures proper
81 working condition of equipment using calibration, and
82 knows how waveforms are affected by filters,
83 sensitivity, montage, electrode type, malfunctioning
84 equipment and printer conversion of data.
- 85 e. Applies the principles of electronics and mathematics
86 to the recording.
- 87 f. Accurately applies electrodes ensuring acceptable
88 impedance.
- 89 g. Assures a safe recording environment by patient
90 identification, applying principles of electrical
91 safety, infection control, and the physical safety of
92 the patient.
- 93 h. Recognizes normal vs. abnormal recorded activity
94 appropriate to the modality and events that impact
95 patient safety.
- 96 i. Assures the best possible recording by documenting
97 activity during recording and recognizing,
98 identifying, and reducing or eliminating artifacts
99 during recording.
- 100 j. Reports critical test results according to the
101 facility policy and procedure manual.
- 102 k. Completes recording by removing electrodes, disposing
103 or disinfecting electrodes, completing all
104 documentation, properly storing or archiving data.
- 105 l. Maintains and improves knowledge and skills.

106 (2) American Association of Electrodiagnostic
107 Technologists (AAET); the credentialing body that awards the
108 R.NCS.T. credential to nerve conduction study technologists.

109 (3) American Board of Electrodiagnostic Medicine
110 (ABEM); the credentialing board that awards the CNCT
111 credential to nerve conduction study technologists.

112 (4) ABRET: Neurodiagnostic Credentialing and
113 Accreditation (ABRET); the credentialing board for Autonomic
114 Testing (CAP), Electroencephalography (R. EEG T.), Evoked
115 Potentials (R. EP T.), Long Term Monitoring (CLTM) and
116 Intraoperative Neuromonitoring (CNIM).

117 (5) American Clinical Neurophysiology Society
118 (ACNS). A physician association that sets guidelines for the
119 minimum requirements for performing neurodiagnostic testing.

120 (6) AUTONOMIC TESTING (AT). Recording and measuring
121 of the systems in the body that are controlled by the
122 autonomic nerves. Autonomic tests measure how the systems in
123 the body, which are controlled by the autonomic nerves,
124 respond to stimulation. The data collected during testing will
125 indicate if the autonomic nervous system is functioning as it
126 should, or if nerve damage has occurred. Some of the
127 functions evaluated may include changes in blood pressure,
128 heart rate, respirations, skin temperature and sweating.
129 Performed by an ND Technologist, interpreted by a physician
130 and used in evaluating a variety of neurological symptoms.

131 (7) DIRECT SUPERVISION means that the
132 neurodiagnostic technologist or physician providing
133 supervision must be present in the area where the
134 neurodiagnostic procedure is being performed and immediately
135 available to furnish assistance and direction throughout the
136 performance of the procedure;

137 (8) ELECTROENCEPHALOGRAM (EEG). Recording and
138 analysis of the on-going electrical activity of the brain
139 using a digital or analog instrument with a minimum of 16
140 channels and 21 electrodes as stated in guidelines by the
141 American Clinical Neurophysiology Society, which is performed
142 by an ND Technologist, interpreted by a physician and used to
143 assist in the diagnosis of epilepsy and a variety of
144 neurological symptoms.

145 (9) ELECTROMYOGRAPHY (EMG). Recording and analysis
146 for diagnostic purposes of electrical activity generated by
147 and recorded via needle insertion into a muscle, which is
148 performed and interpreted by a licensed physician.

149 (10) EVOKED POTENTIAL (EP). Recording of electrical
150 activity from the brain, spinal nerves, or sensory receptors
151 that occurs in direct response to auditory, visual or
152 electrical stimulation using surface electrodes and computer
153 equipment to average the electrical potentials generated,
154 performed by an ND Technologist, interpreted by a physician
155 and used in evaluating a variety of neurological, medical,
156 behavioral or psychiatric symptoms.

157 (11) GENERAL SUPERVISION means that the
158 neurodiagnostic technologist or physician providing
159 supervision is not required to be present during the
160 performance of the procedure but must be immediately available
161 to provide assistance and direction throughout the procedure;

162 (12) INTENSIVE CARE UNIT/CONTINUOUS EEG MONITORING
163 (ICU/cEEG). A continuous recording of the electrophysiology of
164 the brain used in critical care areas to diagnose, evaluate
165 and monitor the neurological condition in critically ill
166 patients performed by a ND Technologist with advanced level of
167 technical knowledge and skills as well as cognitive ability.

168 (13) INTERPRETATION. When a physician determines
169 whether the findings are normal or abnormal and identifies the
170 presence, absence, type, severity, or likelihood of an
171 illness, injury, or other condition.

172 (14) CLINICAL CORRELATION. Statements about the
173 meaning of the test results based upon a patient's symptoms,
174 medical history, physical examination, or other clinical tests
175 results.

176 (15) INTRAOPERATIVE NEUROMONITORING (IONM). The use
177 of neurophysiological monitoring techniques during surgery to
178 provide information to the surgeon about central and/or
179 peripheral nervous system integrity, utilizing real-time
180 electrographic information and/or stimulus evoked recordings
181 of auditory, visual, somatosensory or motor pathways via
182 surface or subdermal needle electrodes, recorded by a ND

183 Technologist with advanced technical knowledge and skills as
184 well as cognitive ability and interpreted by a physician.

185 (16) LICENSE. A license granted and issued by the
186 Board of Neurodiagnostic Technologists under this Act to
187 perform Autonomic Testing (AT); Electroencephalography (EEG);
188 Evoked Potentials (EP); Nerve Conduction Studies (NCS);
189 Intraoperative Neuromonitoring (IONM); Long Term Monitoring
190 (LTM) .

191 (17) LICENSED ND TECHNOLOGIST-AT (LNNDT-AT). A person
192 who is licensed under this Act to perform Autonomic Testing.

193 (18) LICENSED ND TECHNOLOGIST-EEG (LNNDT-EEG). A
194 person who is licensed under this Act to perform
195 Electroencephalograms.

196 (19) LICENSED ND TECHNOLOGIST-EP (LNNDT-EP). A person
197 who is licensed under this Act to perform Evoked Potentials.

198 (20) LICENSED ND TECHNOLOGIST-IONM (LNNDT-IONM). A
199 person who is licensed under this Act to perform
200 Intraoperative Neuromonitoring.

201 (21) LICENSED ND TECHNOLOGIST-LTM (LNNDT-LTM). A
202 person who is licensed under this Act to perform Long Term
203 Monitoring.

204 (22) LICENSED ND TECHNOLOGIST-NCS (LNNDT-NCS). A
205 person who is licensed under this Act to perform Nerve
206 Conduction Studies.

207 (23) LONG TERM MONITORING (LTM). A prolonged
208 recording of the ongoing electrical activity of the brain

209 often used with video recording and/or digital analysis in the
210 evaluation and diagnosis of epilepsy and other intermittent
211 and/or infrequent neurological disturbances, which is
212 performed by a ND technologist with advanced knowledge and
213 technical skills as well as cognitive ability and interpreted
214 by a physician.

215 (24) NERVE CONDUCTION STUDY (NCS). Recording
216 obtained from electrical stimulation of peripheral nerves
217 using surface electrodes and standard NCS equipment with
218 oscilloscopes for waveform analysis to assist in the diagnosis
219 and evaluation of disorders of the peripheral nervous system,
220 performed by a ND technologist or licensed physician and
221 interpreted by a physician.

222 (25) ND MODALITIES. The individual disciplines of
223 each concentrated study within ND technology including AT,
224 EEG, EP, ICU/cEEG, IONM, LTM, NCS.

225 (26) ND TECHNOLOGISTS BOARD. The [INSERT STATE--ex:
226 GA, MN, AR etc] Board of Neurodiagnostic Technologists.

227 (27) ND TESTS. Neurodiagnostic testing includes, but
228 is not limited to, Autonomic Testing (AT),
229 Electroencephalogram (EEG), Evoked Potential (EP), Intensive
230 Care Unit Continuous/EEG Monitoring (ICU/cEEG), Intraoperative
231 Neuromonitoring (IONM), Long Term Monitoring (LTM) and Nerve
232 Conduction Studies (NCS). These studies shall be performed
233 pursuant to this act after receiving a referral from a

234 licensed physician or licensed qualified non-physician
235 provider [e.g. nurse practitioner].

236 (28) NEURODIAGNOSTIC TECHNOLOGIST. A person
237 licensed to perform neurodiagnostic tests, studies or
238 procedures under the direct or general supervision of a
239 licensed physician;

240 (29) NEURODIAGNOSTIC TECHNOLOGY. An allied health
241 profession in which technologists perform testing to obtain a
242 recording of electrical activity from the central and
243 peripheral nervous system, to provide information for the
244 treatment, control, and diagnostic evaluation and care of
245 patients with abnormalities associated with these systems.

246 (30) NEURODIAGNOSTIC TRAINEE. A person who holds a
247 license in one or more ND modalities and is in training
248 seeking to obtain a license in another modality and is under
249 the direct supervision of an ND technologist who is licensed
250 in that modality or a licensed physician. A Neurodiagnostic
251 Trainee is not subject to the penalties described in Section
252 13(12).

253 (31) NEURODIAGNOSTIC STUDENT. A person who is
254 enrolled in an educational program that is accredited by the
255 Commission on Accreditation of Allied Health Education
256 Programs, and who may provide neurodiagnostic services under
257 the direct supervision of a licensed ND technologist or a
258 licensed physician as a part of the person's educational
259 program;

260 (32) PHYSICIAN. A person licensed to practice
261 medicine by the [INSERT STATE--ex: GA, MN, AR etc] State
262 Board of Medical Examiners in the [INSERT STATE--ex: GA, MN,
263 AR etc].

264 (33) TECHNICAL DESCRIPTION. The description provided
265 by a neurodiagnostic technologist of the findings of
266 neurodiagnostic procedures which records the latency,
267 amplitude, frequency, distribution, morphology and changes in
268 those features of the procedure.

269 (34) TEMPORARY LICENSE. A license granted by the
270 Board of ND Technologists which is valid for 12 months or, if
271 earlier, until the release of the passing results of a
272 national certifying examination taken by the applicant. The
273 Board of ND Technologists may extend a temporary license for
274 up to an additional twelve months.

275 **SECTION 4.** (1) There is created the [INSERT STATE--
276 ex: GA, MN, AR etc] Board of ND Technologists. The purpose of
277 the board is to protect the health, safety, and welfare of the
278 patient by ensuring that ND Technologists maintain current
279 licenses and meet existing standards of education, competency,
280 and practice. The board shall establish within 24 months of
281 enactment of this legislation the qualifications of a Licensed
282 ND Technologist pursuant to this act as set forth by the
283 guidelines in this act. Members and employees of the board
284 shall be properly trained to carry out their duties for the

285 board. The board shall develop and implement a long-range plan
286 to ensure effective regulation of licensure for ND technology.

287 (2) The board shall consist of seven (7) board
288 members appointed by the Governor. The Governor may consider
289 for appointment to the committee the names of persons
290 recommended by the professional organizations for each
291 profession represented on the committee. {or according to your
292 state}

293 No member of the board shall serve more than two
294 full consecutive terms. The members initially appointed to the
295 board shall be appointed no more than {___} days {according to
296 your regulatory and state laws} after the effective date of
297 this act.

298 a. Initially four members shall be ND technologists
299 holding a current registry with AAET, ABEM, and/or ABRET. At
300 least two members must hold a current R. EEG T. registry. At
301 least one member shall have a B.S. or B.A. degree or higher.
302 Subsequent members shall be licensed ND technologists holding
303 a current registry with AAET, ABEM, and/or ABRET. At least two
304 members must hold a Licensed ND Technologist-EEG license. At
305 least one member shall have a B.S. or B.A. degree or higher.

306 b. One licensed neurologist preferably with a
307 subspecialty credential in Clinical Neurophysiology.

308 c. One person who is affiliated with hospital
309 administration or human resources.

310 d. One member shall be a public member who shall not
311 be licensed, nor have been licensed in the past, as a ND
312 technologist.

313 e. The board members shall be lawful permanent
314 residents of the United States of America and residents of
315 this state for at least two years immediately preceding the
316 appointment. The membership of the board shall be inclusive
317 and reflect the racial, gender, geographic, urban/rural, and
318 economic diversity of the state.

319 f. Initial appointments to the committee shall be
320 made as follows: two (2) members shall be appointed to terms
321 of four (4) years, two (2) members shall be appointed to terms
322 of three (3) years, two (2) members shall be appointed to
323 terms of two (2) years, and one (1) member shall be appointed
324 to a term of one (1) year. Each regular appointment thereafter
325 shall be for a term of four (4) years. Any vacant term shall
326 be filled by the governor for the balance of the four-year
327 term and each member shall serve on the committee until a
328 successor is appointed.

329 g. Vacancies on the board occurring prior to the
330 expiration of a term may be filled by the appointing official
331 from names recommended by the professional organization that
332 the appointee represented on the committee. Each member of the
333 board shall serve until his or her successor has been duly
334 appointed.

335 h. At the first meeting, and annually thereafter,
336 the board shall elect a chair and vice chair from its
337 membership.

338 (3). The board shall hold their first meeting within
339 180 days after the initial members are appointed. The board
340 shall hold meetings during the year, as it deems necessary,
341 two of which shall be the **semiannual or triannual (your**
342 **discretion)** meeting for the purpose of reviewing license
343 applications. Additional meetings may be held at the
344 discretion of the chair or upon written request of any 4
345 members of the board. A quorum of the board shall consist of 4
346 members.

347 (4). Board members shall not receive compensation
348 for their services, but shall receive the same per diem
349 allowance as provided to state employees for each day the
350 board meets and conducts business.

351 (5). An affirmative vote of a majority of the
352 members of the board shall be required to grant, suspend, or
353 revoke a license to practice ND technology, or a license to
354 operate as a ND technologist.

355 (6). Members of the board are immune from liability
356 for all good faith acts performed in the execution of their
357 duties as members of the board.

358 (7). The board may employ an executive director and
359 such other employees as the board deems necessary to carry out
360 its duties and responsibilities under this act. The board

361 shall set the compensation of the executive director and other
362 employees.

363 **SECTION 5.** (a) The board shall issue separate
364 licenses in the areas of Autonomic Testing (AT);
365 Electroencephalography (EEG); Evoked Potentials (EP):
366 Intraoperative Neuromonitoring (IONM; Long Term Monitoring
367 (LTM) and Nerve Conduction Studies (NCS) to individuals who
368 qualify under Section 10 of this Act.

369 (b) No person who does not hold a license issued
370 under this act shall do either of the following:

371 (1) Represent the person as being a neurodiagnostic
372 technologist;

373 (2) Use the title Licensed Neurodiagnostic
374 Technologist-AT, Licensed Neurodiagnostic Technologist-EEG,
375 Licensed Neurodiagnostic Technologist-EP, Licensed
376 Neurodiagnostic Technologist-IONM, Licensed Neurodiagnostic
377 Technologist-LTM, Licensed Neurodiagnostic Technologist-NCS or
378 use the abbreviations LNDDT-AT, LNDDT-EEG, LNDDT-EP, LNDDT-IONM or
379 LNDDT-LTM with his or her name or any other title or initials
380 that imply that a person is a neurodiagnostic technologist;

381 (c) Notwithstanding paragraph (b) of this
382 subdivision, neurodiagnostic procedures may also be performed
383 by persons exempted in Section 6.

384 (d) Pursuant to the {Administrative Procedure Act},
385 the board shall:

386 (1) Adopt and promulgate such rules, regulations and
387 licensure standards as may be necessary to effectuate the
388 provisions of the Neurodiagnostic Technologists Practice Act
389 and to maintain high standards of practice as verified by
390 credentialing organizations for neurodiagnostic technology.

391 (2) Adopt and promulgate such rules and regulations
392 to provide that a licensee, in order to be granted a license
393 in a specific modality, must have evidence of expertise in
394 that area as demonstrated by the appropriate credential.

395 (3) Adopt rules and regulations establishing
396 continuing education requirements as a condition of licensure
397 renewal for the purpose of protecting the health and wellbeing
398 of the citizens of STATE and promoting current knowledge and
399 practice as verified by credentialing organizations for
400 neurodiagnostic technology.

401 **SECTION 6.** The following persons performing ND
402 procedures do not require licensure under this act:

403 (1) A licensed physician.

404 (2) A person recording ND testing for research
405 purposes provided the results are not used in treatment and
406 diagnosis.

407 (3) Appropriately licensed health care professionals
408 working within their scope of practice.

409 (4) The faculty of all accredited universities or
410 schools having any program in the health field pertaining to
411 ND, allied health, or health education are exempt from this

412 act. The faculty of all accredited medical schools in the
413 [INSERT STATE--ex: GA, MN, AR etc] are exempt from this act.

414 (5) A neurodiagnostic technologist student may
415 provide neurodiagnostic services under the direct supervision
416 of a licensed ND technologist or physician as a part of the
417 person's educational program while actively enrolled in a
418 neurodiagnostic educational program that is accredited by the
419 Commission on Accreditation of Allied Health Education
420 Programs.

421 **SECTION 7.** (a) The board shall establish reasonable
422 license fees for persons licensed pursuant to this act and
423 may increase these fees as deemed necessary to support the
424 operation of the board. However, the **biennial** licensure fee
425 shall not exceed two hundred and fifty dollars (\$250),
426 regardless of the number of modality specific licenses an
427 individual is issued. License fees granted under Section 10,
428 shall not exceed one hundred and twenty-five dollars (\$125)
429 per twelve month period.

430 (b) There is hereby established a separate special
431 revenue trust fund in the State Treasury to be known as the
432 [INSERT STATE--ex: GA, MN, AR etc] Board of ND Technologists
433 Fund. All receipts collected by the board under this act are
434 to be deposited in this fund and used only to carry out this
435 act. Such receipts shall be disbursed only by warrant of the
436 State Comptroller, upon itemized vouchers approved by the
437 chair of the board, except that no funds shall be withdrawn

438 except as budgeted and allotted according to the provisions of
439 Sections **YOUR STATE LAWS:**, inclusive, Code of [INSERT STATE--
440 ex: GA, MN, AR etc], and only in amounts as stipulated in the
441 general appropriations bill or other appropriations bills.

442 (c) There is hereby appropriated from the [INSERT
443 STATE--ex: GA, MN, AR etc] Board of ND Technologists Fund to
444 the [INSERT STATE--ex: GA, MN, AR etc] Board of ND
445 Technologists for the fiscal year {_____} such amounts as
446 are deemed necessary by the [INSERT STATE--ex: GA, MN, AR
447 etc] Board of ND Technologists to implement and administer
448 this act.

449 **SECTION 8.** Licensed ND technologists may utilize
450 subdermal needle electrodes for stimulating or recording in a
451 surgical setting but may not perform needle insertion EMG.

452 **SECTION 9.** ND technologists may provide a technical
453 description but do not have the responsibility or authority to
454 provide interpretation or clinical correlation of
455 neurodiagnostic data.

456 **SECTION 10.** An individual seeking a license to
457 practice in one or more of the neurodiagnostic modalities
458 shall file with the Board of Neurodiagnostic Technologists a
459 written application on a form prescribed and supplied by the
460 board. The application shall include or be accompanied by all
461 of the following:

462 (a) Evidence satisfactory to the board that the
463 applicant is at least eighteen years of age and of good moral
464 character;

465 (b) Except as provided in Section 11 (a) of this
466 Act, evidence satisfactory to the board that the applicant has
467 successfully completed a neurodiagnostic education program
468 accredited by the commission on accreditation of allied health
469 education programs or its successor organization, or has
470 obtained an Associate's Degree or higher from an accredited
471 college or university;

472 (c) Except as provided in Section 11 (a) of this Act,
473 unless the applicant is seeking a temporary certificate,
474 evidence satisfactory to the board that the applicant has
475 passed a national certifying examination and holds current
476 certification from one of the following or its successor
477 organization: AAET, ABEM, or ABRET;

478 (d) Any other information the board considers
479 necessary to process the application and evaluate the
480 applicant's qualifications.

481 **SECTION 11.** The following apply to those seeking a
482 license under this act:

483 (a) A person who immediately prior to the effective
484 date of this act was actively engaged in any of the modalities
485 subject to licensure under this act shall be qualified for a
486 license; renewal of their license is subject to continuing
487 education credits.

488 (b) Any person maintaining current credentials or
489 registry with AAET, ABEM, or ABRET, shall be qualified for
490 licensure by the ND Technologists' Board, renewal of their
491 license is subject to continuing education credits.

492 (c) Commencing three years from the date of
493 enactment, in order to be licensed as a ND technologist,
494 persons entering the field must meet one of the following
495 criteria:

496 1. An Associates or higher degree and is AAET, ABEM,
497 or ABRET board eligible and has applied for the appropriate
498 AAET, ABEM, or ABRET, examination. A temporary license shall
499 be valid for 12 months until the date on which the successful
500 completion of the qualifying board examination are known and
501 presented to the ND Technologists Board. The board may in its
502 sole discretion grant a one-time extension of up to twelve
503 (12) months beyond this one-year period.

504 2. Completion of formal ND training from an
505 accredited ND educational school and having earned a degree or
506 certificate of completion and is AAET, ABEM, or ABRET board
507 eligible and has applied for the AAET, ABEM, or ABRET,
508 examination. A temporary license shall be valid for 12 months
509 until the date on which the successful completion of the
510 qualifying board examination are known and presented to the ND
511 Technologists Board. The board may in its sole discretion
512 grant a one-time extension of up to twelve (12) months beyond
513 this one-year period.

514 3. Any person maintaining current credentials or
515 registry with AAET, ABEM, or ABRET, shall be qualified for
516 licensure by the ND Technologists Board.

517 **SECTION 12.** Every ND technologist licensed pursuant
518 to this act shall be required to complete biennially 15 hours
519 of continuing education in courses approved by the board as a
520 condition for renewing his or her license. Except as provided
521 in Section 11 (a) of this Act ND technologist must maintain
522 their credential(s) from AAET, ABEM, or ABRET in order to
523 renew their license in a specific modality or modalities.

524 **SECTION 13.** (a) The board may suspend, revoke, or
525 refuse to issue or renew a license or impose a fine up to five
526 thousand dollars (\$5,000) after notice and opportunity for a
527 hearing pursuant to the {Administrative Procedure Act}, upon
528 proof of any of the following:

529 (1) The license was obtained by means of fraud,
530 misrepresentation, or concealment of material facts, including
531 making a false statement on an application or any other
532 document required by the board for licensure.

533 (2) The licensee engaged in any practice beyond the
534 scope of practice of the individual's license as defined in
535 this act.

536 (3) The licensee sold or bartered or offered to sell
537 or barter a license for a ND technologist.

538 (4) The licensee has engaged in any act that has
539 endangered or is likely to endanger the health, safety, and

540 welfare of its patients or the public, as defined by rules of
541 the board.

542 (5) The licensee has been convicted of a felony or
543 of any other crime arising out of or connected to ND
544 technology.

545 (6) The licensee has engaged in misconduct with a
546 patient involving sexual acts or other acts deemed
547 unprofessional by the board.

548 (7) The licensee has breached a patient
549 confidentiality agreement.

550 (8) The licensee has violated or aided and abetted
551 in the violation of this act.

552 (9) The licensee has engaged in theft, deliberate
553 misconduct, or fraud.

554 (10) The licensee is adjudicated as mentally
555 incompetent by a court of law.

556 (11) The licensee abuses controlled substances or
557 alcohol.

558 (12) The licensee engaged in false, deceptive, or
559 misleading expertise in his or her field of ND training.

560 (13) The licensee had a license revoked, suspended,
561 or denied in any other state of the United States of America
562 for any reason described in this section.

563 (14) The licensee has engaged in dishonorable,
564 unethical, or unprofessional conduct of character likely to
565 deceive, defraud, or harm the public.

566 (b) Any person who has been convicted of, or entered
567 a plea of nolo contendere to, a crime or offense involving
568 sexual offenses against a patient is ineligible to hold a
569 license as an ND technologist. The board retains the right to
570 revoke a license indefinitely if the licensee is proven guilty
571 of a crime or of a sexual misconduct. Reinstatement of
572 licensure is contingent upon proof of weekly counseling by a
573 licensed professional counselor.

574 (c) The board may not reinstate a certificate of
575 license, or cause a certificate of license to be issued to a
576 person it has deemed unqualified, until such time as it is
577 satisfied that the person has complied with all the rules and
578 conditions set forth in the final order and that the person is
579 capable of safely engaging in the delivery of ND services.

580 (d) Any person engaging in any business or practice
581 of ND technology without a license may be restrained by
582 permanent injunction, except as provided for in Section 6 of
583 this bill.

584 **SECTION 14.** A person who does not hold a license as
585 a ND technologist and is not a physician in the specialty of
586 ND technology may not use the word "Neurodiagnostic" on any
587 sign or name tag or label or any type of advertising performed
588 by the person. Any advertisement by a ND technologist shall
589 contain the license number of the ND technologist.
590 Neurodiagnostic Students may wear a name tag using the words

591 "Neurodiagnostic Student" provided they meet the definition in
592 Section 3 (33) of the bill.

593 **SECTION 15.** Any person who violates this act shall
594 be guilty of a Class A misdemeanor.

595 **SECTION 16.** (a) In addition to the civil penalties
596 prescribed by this act, the board may seek an injunction
597 against any person or establishment in violation of this act.

598 (b) In an action for injunction, the board may
599 demand and recover civil penalties in an amount deemed
600 appropriate by the board for each violation, reasonable
601 attorney fees, and court costs.

602 **Section 17.** Issuance of license -Without
603 examination.

604 On payment to the board of a fee set by the board
605 and the submission of a written application on forms provided
606 by the board, the board shall issue a license without
607 examination to:

608 1) A person who is qualified within the meaning of
609 this legislation as a neurodiagnostic technologist by another
610 state of the United States of America, its possessions, or the
611 District of Columbia, if the requirements for licensing in
612 such state, possession, or district were at the date of his or
613 her licensing by such state substantially equal to the
614 requirement for the initial licensing of persons practicing
615 neurodiagnostic technologist when this legislation became
616 effective, Month, Date, Year, or for licensing by examination

617 prepared by the professional examining service as set forth in
618 the legislation and any additional requirements prescribed by
619 the board.

620 **SECTION 18.** This act shall become effective on the
621 first day of the third month following its passage and
622 approval by the Governor, or its otherwise becoming law.