

STATE OF FLORIDA
DEPARTMENT OF HEALTH

**DISCIPLINARY
GUIDELINES FOR
RADIOLOGICAL
PERSONNEL**

*Pursuant to Sections 468.3101 and 381.0034, Florida Statutes,
and
Florida Administrative Code rule 64E-3.011*

OCTOBER 2015



DISCIPLINARY GUIDELINES FOR RADIOLOGICAL PERSONNEL

468.3101 Disciplinary grounds and actions.

1) The department may make or require to be made any investigations, inspections, evaluations, and tests, and require the submission of any documents and statements, which it considers necessary to determine whether a violation of this part has occurred. The following acts shall be grounds for disciplinary action as set forth in this section:

A. Section 468.3101(1)(a), F.S.: Procuring, attempting to procure, or renewing a certificate by bribery, by fraudulent misrepresentation, or through an error of the department.

Bribery or fraudulent misrepresentation

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$500 fine and one year suspension.	\$1,000 fine and revocation.
SECOND OFFENSE	\$1,000 fine and revocation.	\$1,000 fine and revocation.

Department error

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$250 fine and one year probation with conditions.	\$500 fine and revocation.
SECOND OFFENSE	\$500 fine and one year suspension.	\$1,000 fine and revocation.

B. Section 468.3101(1)(b), F.S.: Having a voluntary or mandatory certificate to practice radiologic technology or to perform the duties of a radiologist assistant revoked, suspended, or otherwise acted against, including being denied certification, by a national organization; by a specialty board recognized by the department; or by a certification authority of another state, territory, or country.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	Action consistent with the disciplinary guidelines for the offense had it initially come before the Department prior to the action that was taken elsewhere with strong consideration of the penalty that was actually imposed by the other organization or jurisdiction.	Suspension of the certificate until the discipline by the other organization or jurisdiction is satisfied.
SECOND OFFENSE	Suspension of the certificate until the discipline by the other organization or jurisdiction is satisfied.	\$1,000 fine and revocation.

C. Section 468.3101(1)(c), F.S.: Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime that directly relates to the practice of radiologic technology or to the performance of the duties of a radiologist assistant, or to the ability to practice radiologic technology or the ability to perform the duties of a radiologist assistant. Pleading nolo contendere shall be considered a conviction for the purpose of this provision.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$200 fine and one year of probation with conditions.	\$1,000 fine and revocation.
SECOND OFFENSE	\$350 fine and one year suspension followed by three years of probation with conditions.	\$1,000 fine and revocation.

D. Section 468.3101(1)(d), F.S.: Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime against a person. Pleading nolo contendere shall be considered a conviction for the purposes of this provision.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$200 fine and one year of probation with conditions.	\$1,000 fine and revocation.
SECOND OFFENSE	\$350 fine and one year suspension followed by three years of probation with conditions.	\$1,000 fine and revocation.

E. Section 468.3101(1)(e), F.S.: Making or filing a false report or record that the certificateholder knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another to do so. Such reports or records include only those reports or records which are signed in the capacity of the certificateholder.

Negligent filing or failure to file report.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$250 fine.	\$500 fine and three years of probation with conditions.
SECOND OFFENSE	\$500 fine and one year of probation with conditions.	\$1,000 fine and one year suspension followed by three years of probation with conditions.

Willful filing or inducing the filing of a false report or obstructing or impeding the filing.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$500 fine and a reprimand.	\$1,000 fine and revocation.
SECOND OFFENSE	\$750 fine and one year suspension followed by two years of probation with conditions.	\$1,000 fine and revocation.

F. Section 468.3101(1)(f), F.S.: Engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of radiologic technology or the standards of practice for radiologist assistants as established by the department, in which case actual injury need not be established.

Unprofessional conduct includes, but is not limited to:

1. Administering radiation or otherwise practicing radiologic technology or the duties of a radiologist assistant in a negligent manner, either by omission or commission;
2. Administering radiation without authorization from a licensed practitioner;
3. Misappropriating supplies, equipment or drugs;
4. Leaving a radiologic technology assignment before properly advising appropriate personnel;
5. Violating the confidentiality of information concerning a patient;
6. Discriminating on the basis of race, creed, religion, sex, age or national origin, in the rendering of radiologic technology or radiologist assistant services as it relates to human rights and dignity of the individuals;
7. Engaging in fraud, misrepresentation, or deceit in taking the certification examination;
8. Aiding and abetting the practice of radiologic technology or the duties of a radiologist assistant by any person not so certified;
9. Practicing without a clear and active certificate;
10. Impersonating any applicant or acting as proxy for the applicant in any examination required for the issuance of a certificate;
11. Impersonating another certificateholder or permitting another person to use his or her certificate; and
12. Any behavior defined as unprofessional or unethical by a national organization, board, or other jurisdiction which licenses, certifies or registers radiologic technologists or radiologist assistants.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$250 fine and a reprimand.	\$1,000 fine and revocation.
SECOND OFFENSE	\$500 fine and two years of probation with conditions.	\$1,000 fine and revocation.

13. Engaging or attempting to engage in sexual misconduct, as defined in Section 456.063(1), F.S.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$250 fine, three years of probation with conditions, evaluation by PRN, and compliance with PRN recommendations and appropriate treatment and monitoring.	\$1,000 fine and revocation.
SECOND OFFENSE	\$1,000 fine and revocation.	\$1,000 fine and revocation.

G. Section 468.3101(1)(g), F.S.: Being unable to practice radiologic technology or to perform the duties of a radiologist assistant with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or other materials or as a result of any mental or physical condition. A certificateholder affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her certified profession with reasonable skill and safety.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$250 fine, three years of probation with conditions, evaluation by PRN, and compliance with PRN recommendations.	\$500 fine, indefinite suspension with periodic review until the subject demonstrates to the Department the ability to resume competent practice, followed by three years of probation with conditions and compliance with PRN recommendations.
SECOND OFFENSE	\$500 fine, indefinite suspension with periodic review until the subject demonstrates to the Department the ability to resume competent practice, followed by three years of probation with conditions and compliance with PRN recommendations.	\$1,000 fine and revocation.

H. Section 468.3101(1)(h), F.S.: Failing to report to the department any person who the certificateholder knows is in violation of this part or of the rules of the department.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$200 fine and reprimand.	\$500 fine and three years of probation with conditions.
SECOND OFFENSE	\$300 fine and six months probation with conditions.	\$1,000 fine and one year suspension.

I. Section 468.3101(1)(i), F.S.: Violating any provision of this part, any rule of the department, or any lawful order of the department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$200 fine and a reprimand.	\$500 fine and two years of suspension followed by two years of probation with conditions.
SECOND OFFENSE	\$300 fine and one year suspension followed by two years probation with conditions.	\$1,000 fine and revocation.

J. Section 468.3101(1)(j), F.S.: Employing, for the purpose of applying ionizing radiation or otherwise practicing radiologic technology or performing the duties of a radiologist assistant on a human being, any individual who is not certified under the provisions of this part.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$350 fine and one year of probation with conditions.	\$700 fine and one year suspension followed by two years of probation with conditions.
SECOND OFFENSE	\$700 fine and one year suspension with conditions.	\$1,000 fine and revocation.

K. Section 468.3101(1)(k), F.S.: Testing positive for any drug, as defined in s. [112.0455](#), on any confirmed preemployment or employer-required drug screening when the certificateholder does not have a lawful prescription and legitimate medical reason for using such drug.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$250 fine, three years probation with conditions, evaluation by PRN, and compliance with PRN recommendations.	\$500 fine, indefinite suspension with periodic review until the subject demonstrates to the Department the ability to resume competent practice, followed by three years of probation with conditions and compliance with PRN recommendations.
SECOND OFFENSE	\$500 fine, indefinite suspension with periodic review until the subject demonstrates to the Department the ability to resume competent practice, followed by three years of probation with conditions and compliance with PRN recommendations.	\$1,000 fine and revocation.

L. Section 468.3101(1)(l), F.S.: Failing to report to the department in writing within 30 days after the certificateholder has had a voluntary or mandatory certificate to practice radiologic technology or to perform the duties of a radiologist assistant revoked, suspended, or otherwise acted against, including being denied certification, by a national organization, by a specialty board recognized by the department, or by a certification authority of another state, territory, or country.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$150 fine and reprimand.	\$250 fine and one year suspension.
SECOND OFFENSE	\$300 fine and one year suspension followed by one year of probation with conditions.	\$750 fine and two years of suspension.

M. Section 468.3101(1)(m), F.S.: Having been found guilty of, regardless of adjudication, or pleading guilty or nolo contendere to, any offense prohibited under s. [435.04](#) or similar statute of another jurisdiction.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$250 fine and one year suspension followed by two years of probation with conditions.	\$1,000 fine and revocation.
SECOND OFFENSE	\$1,000 fine and revocation.	\$1,000 fine and revocation.

N. Section 468.3101(1)(n), F.S.: Failing to comply with the recommendations of the department's impaired practitioner program for treatment, evaluation, or monitoring. A letter from the director of the impaired practitioner program that the certificateholder is not in compliance shall be considered conclusive proof under this part.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	Evaluation by PRN, compliance with PRN recommendations, and indefinite suspension of license with periodic review until the person demonstrates to the Department the ability to resume competent practice followed by probation for three years with conditions.	\$1,000 fine and revocation.
SECOND OFFENSE	\$500 fine, evaluation by PRN, compliance with PRN recommendations, and indefinite suspension of license with periodic review until the person demonstrates to the Department the ability to resume competent practice followed by probation for three years with conditions.	\$1,000 fine and revocation.
THIRD OFFENSE	\$1,000 fine and revocation.	\$1,000 fine and revocation.

O. Section 381.0034, F.S., Requirement for instruction on HIV and AIDS:

(1) The Department of Health shall require each person licensed or certified under chapter 467, part IV of chapter 468, or chapter 483, as a condition of biennial relicensure, to complete an educational course approved by the department on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current state law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, and treatment of patients. Each such licensee or certificateholder shall submit confirmation of having completed the course, on a form provided by the department, when submitting fees or application for each biennial renewal.

(2) Failure to complete the requirements of this section shall be grounds for disciplinary action contained in the chapters specified in subsection (1). In addition to discipline by the department, the licensee or certificateholder shall be required to complete said course.

(3) The department shall require, as a condition of granting a license under the chapters specified in subsection (1), that an applicant making initial application for licensure complete an educational course acceptable to the department on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(4) The department shall have the authority to adopt rules to carry out the provisions of this section.

(5) Any professional holding two or more licenses or certificates subject to the provisions of this section shall be permitted to show proof of having taken one department-approved course on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for the additional licenses.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$150 fine and proof of course completion not to be counted for biennial renewal.	\$250 fine, proof of course completion, a course on ethics, neither course to be counted for biennial renewal.
SECOND OFFENSE	\$300 fine and proof of course completion not to be counted for biennial renewal.	\$500 fine, proof of course completion, a course on ethics, neither course to be counted for biennial renewal, and six months probation with conditions.

P. Section 468.3101(6), F.S.: The department may revoke approval of a continuing education provider and its approved courses if the provider's certification has been revoked, suspended, or otherwise acted against by a national organization; by a specialty board recognized by the department; or by a certification authority of another state, territory, or country. The department may establish by rule additional guidelines and criteria for the discipline of continuing education providers, including, but not limited to, revoking approval of a continuing education provider or a continuing education course and refusing to approve a continuing education provider or continuing education course.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE	\$250 fine, and the same penalty imposed by the other national organization, specialty board or authority.	\$1,000 fine, revocation of the provider, and revocation of all approved continuing education courses.
SECOND OFFENSE	\$500 fine, and the same penalty imposed by the other national organization, specialty board or authority, which at a minimum must include a term of suspension of the provider and his/her approved continuing education courses.	\$1,000 fine, revocation of the provider, and revocation of all approved continuing education courses.

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