



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

Code: Section:

[Up^](#) [Add To My Favorites](#)

HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (*Division 104 added by Stats. 1995, Ch. 415, Sec. 6.*)

PART 1. ENVIRONMENTAL HEALTH PERSONNEL [106500 - 107175] (*Part 1 added by Stats. 1995, Ch. 415, Sec. 6.*)

CHAPTER 4. Professional Certification [106600 - 107175] (*Chapter 4 added by Stats. 1995, Ch. 415, Sec. 6.*)

ARTICLE 6. Nuclear Medicine Technology [107150 - 107175] (*Article 6 added by Stats. 1995, Ch. 415, Sec. 6.*)

107150. "Nuclear medicine technology" means that technology applied under the supervision of a physician and surgeon or a licensed clinical bioanalyst, when performing in vitro procedures, that pertains to the utilization of radiopharmaceuticals for the diagnosis and treatment of disease in humans and includes: (1) the standardization of radiopharmaceutical dosages prior to administering the preparation of radiopharmaceutical agents in accordance with department regulations, (2) the administration of radiopharmaceuticals in accordance with statute or regulation, and (3) the calibration and use of radiation detection instruments and equipment to obtain clinical information. Nuclear medicine technology includes in vitro tests performed in a licensed clinical laboratory that use a radioactive marker substance not administered to human subjects and in vivo nuclear medicine procedures that involve administration of a radioactive marker substance to humans.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

107155. (a) Any person not currently licensed as a physician and surgeon pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, or as a clinical laboratory technologist, bioanalyst, or clinical chemist pursuant to Chapter 3 (commencing with Section 1200) of Division 2 of the Business and Professions Code, who performs nuclear medicine technology shall be subject to the standards of competence established by the department pursuant to this article.

(b) Nothing in this article shall be construed to limit the existing authority of, or scope of practice of, a physician and surgeon, clinical laboratory technologist, bioanalyst, or clinical chemist granted pursuant to their licenses, or to further require persons to establish competence to perform in vitro tests.

(c) In vitro procedures using radioactive materials shall be performed in a licensed clinical laboratory.

(d) This article shall not apply to any of the following persons:

(1) Any person employed by an agency of the United States government, while performing the duties of the employment.

(2) A licensed clinical laboratory technologist who administers a radioactive marker test substance to a human subject to perform a measurement on a sample containing the radioactive marker test substance that has been removed from the subject.

(3) A registered pharmacist who handles radioactive drugs in accordance with the California State Board of Pharmacy regulations contained in the most recent version of Sections 1708.3 to 1708.8, inclusive, of Article 2 of Chapter 17 of Title 16 of the California Code of Regulations.

(4) (A) A person who holds a current, valid certificate in diagnostic radiologic technology pursuant to subdivision (b) of Section 114870 may perform a positron emission tomography scan only on a dual mode machine on which both a positron emission tomography scan and a computerized tomography scan may be performed if both of the following conditions are met:

(i) The person holds a current, valid certificate in positron emission tomography issued by the Nuclear Medicine Technology Certification Board, or a similarly recognized organization, has registered with the department pursuant to Section 106977 as participating in on-the-job training to meet clinical competencies required by the Nuclear Medicine Technology Certification Board, or a similarly recognized organization, and is under the direct supervision of a person who currently meets the standards of competence for the performance of nuclear medicine technology, or complies with the regulations issued by the department governing students of nuclear medicine technology in order to obtain a current, valid certificate in positron emission tomography issued by the Nuclear Medicine Technology Certification Board.

(ii) The person is under the supervision of a person who is an authorized user identified on a specific license authorizing medical use of radioactive materials pursuant to the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9).

(B) A violation of this paragraph is a misdemeanor pursuant to Section 107075 and a violator is subject to discipline pursuant to Sections 107065 and 107070.

(Amended by Stats. 2008, Ch. 238, Sec. 3. Effective January 1, 2009.)

107160. (a) The department shall provide by regulation a schedule of fees that shall be paid by persons applying to establish their competence to perform nuclear medicine technology. The revenue derived from the fees shall be sufficient to cover all costs incurred in the administration of this article.

(b) The fees paid by applicants shall be adjusted annually, pursuant to Section 100425, and the adjusted fee amounts shall be rounded off to the nearest whole dollar.

(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)

107165. (a) The establishment of a person as competent to perform nuclear medicine technology may be denied, revoked, or suspended by the department, for any of the following reasons:

(1) Use of a controlled substance as defined in Division 10 (commencing with Section 11000), a dangerous drug, as defined in Section 4022 of the Business and Professions Code, or alcoholic beverages to an extent or in a manner dangerous or injurious to the certified or permitted individual, any other person, or the public or that would impair the ability to conduct, with safety to the public, the practice of nuclear medicine technology, or more than one misdemeanor or a felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof.

(2) Unprofessional conduct, including, but not limited to, incompetence or gross negligence, physical, mental, or verbal abuse of patients, or misappropriation of property of patients or others.

(3) Conviction of practicing one of the healing arts without a license in violation of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

(4) Knowingly making or signing a document relating to the practice of nuclear medicine technology that falsely represents the existence or nonexistence of a state of facts.

(5) Making or giving a false statement or information in conjunction with the application for establishment of competence to perform nuclear medicine technology and examination application.

(6) Impersonating an applicant, or acting as proxy for an applicant, in any examination required under this article for the establishment of competence to perform nuclear medicine technology.

(7) Impersonating another individual who has established competence to perform nuclear medicine technology under this article or permitting or allowing another person to use that establishment for the purpose of performing nuclear medicine technology.

(8) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violating of, or conspiring to violate any provision or term of this article, the Radiologic Technology Act (Section 27), or the Radiation Control Law (commencing with Section 114960), or regulations adopted pursuant to those provisions.

(9) Conviction of a crime substantially related to the qualifications, functions, and duties of a nuclear medicine technologist, if the department determines that the applicant or individual who has established competence to perform nuclear medicine technology has not adequately demonstrated that they have been rehabilitated, and will present a threat to the health, safety, or welfare of patients. In determining whether or not to deny, suspend, or revoke establishment of competence or renewal of such establishment, the department shall take into consideration the following factors as evidence of good character and rehabilitation:

(A) The nature and seriousness of the conduct or crime under consideration and its relationship to their employment duties and responsibilities.

(B) Activities since conviction, including employment or participation in therapy or education, that would indicate changed behavior.

(C) The period of time that has elapsed since the commission of the conduct or offense referred to in this subdivision and the number of offenses.

(D) The extent to which the person has complied with any terms of parole, probation, restitution, or any other sanction lawfully imposed against the person.

(E) Any rehabilitation evidence, including character references, submitted by the person.

(F) Employment history and current employer recommendations.

(G) Circumstances surrounding the commission of the offense that would demonstrate the unlikelihood of repetition.

(H) An order from a superior court pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(I) The granting by the Governor of a full and unconditional pardon.

(J) A certificate of rehabilitation from a superior court.

(10) Establishment of competence to perform nuclear medicine technology by fraud or misrepresentation or because of mistake.

(11) Use of a designation implying one has established with the department competence to perform nuclear medicine technology by one who has not so established competence.

(12) Willfully preventing, interfering with, or attempting to impede in any way the work of a duly authorized representative of the department or a local officer or agency authorized to enforce this article, the Radiologic Technology Act (Section 27), or the Radiation Control Law (commencing with Section 114960) during the course of that representative's or officer's lawful enforcement of any provision of this article, the Radiologic Technology Act (Section 27), the Radiation Control Law, or the rules and regulations adopted pursuant to those provisions.

(13) Nonpayment of fees prescribed in accordance with Section 107160.

(14) Loss of certification from another organization on which the department's issuance was based on, if that loss was for cause.

(b) The proceedings for denial, revocation, or suspension pursuant to this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all of the powers granted therein.

(Repealed and added by Stats. 2023, Ch. 42, Sec. 44. (AB 118) Effective July 10, 2023.)

107170. (a) A person or entity that violates, or aids or abets the violation of, this article or a regulation adopted pursuant to this article shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five thousand dollars (\$5,000) per day, per offense or by imprisonment in the county jail not to exceed 180 days, or by both the fine and imprisonment.

(b) A person or entity who intentionally or through gross negligence violates a provision of this article or regulation adopted pursuant to this article, or who fails or refuses to comply with a cease and desist order or other order of the department issued thereunder, and the action causes a substantial danger to the health of others, shall be liable for a civil penalty not to exceed five thousand dollars (\$5,000) per day, per offense.

(c) The remedies under this section are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal.

(Repealed and added by Stats. 2023, Ch. 42, Sec. 46. (AB 118) Effective July 10, 2023.)

107175. The department shall enforce this article.

(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)