SB782 FULLPCS1 Tess Teague-SD 4/10/2017 12:13:46 pm

## **COMMITTEE AMENDMENT** HOUSE OF REPRESENTATIVES State of Oklahoma

SPEAKER:

CHAIR:

I move to amend <u>SB782</u> Of the printed Bill Page Section Lines Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Tess Teague

Adopted:

Reading Clerk

2       Ist Session of the 56th Legislature (2017)         3       PROPOSED COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 782       By: Scott of the Senate         5       and         6       and         7       Teague of the House         8       9         9       PROPOSED COMMITTEE SUBSTITUTE         10       PROPOSED COMMITTEE SUBSTITUTE         11       amending 59 0.S. 2011, Sections 541, 541.1, 541.2, 541.3, 541.4, 541.5, 541.6, 541.7 and 541.8, which         12       relate to the Radiologist Assistant Licensure Act; changing the name of the act to the Radiologist         13       Assistant and Radiologic Technologist Licensure Act; expanding the scope of the act; requiring certain individuals to be licensed by the State Board of Medical Licensure and Supervision; modifying         15       suproistory requirements; requiring the promulgation of certain rules; authorizing the Board to use         16       certain guidelines; providing for initial appointments to the advisory committee by a certain date; modifying duties of the State Board of Medical Licensure and Supervision, modifying fees for         19       licensure and Supervision; modifying fees for         11       appointments to the advisory committee by a certain individuals to continue to practice in areas in which         14       index; modifying duties of the State Board of Medical Licensure and Supervision, modifying fees for         16	1	STATE OF OKLAHOMA
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	24	repealing 59 O.S. 2011, Section 541.9, which relates

1 to licensing exemptions; providing for codification; and providing an effective date. 2 3 4 5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 6 SECTION 1. AMENDATORY 59 O.S. 2011, Section 541, is 7 amended to read as follows: 8 Section 541. This act shall be known and may be cited as the 9 "Radiologist Assistant and Radiologic Technologist Licensure Act". 10 59 O.S. 2011, Section 541.1, is SECTION 2. AMENDATORY 11 amended to read as follows: 12 Section 541.1 A. After January 1, 2020, any individual who is 13 not a licensed practitioner as defined in Section 541.9 of this 14 title who performs fluoroscopy, nuclear medicine technology, 15 radiation therapy or radiography, or other medical imaging or 16 radiation therapy procedures for medical diagnostic or therapeutic 17 purposes as determined by the State Board of Medical Licensure and 18 Supervision, shall be licensed by the Board. 19 B. 1. A radiologist may use the services of a radiologist 20 assistant, licensed by the State Board of Medical Licensure and 21 Supervision, to practice radiology assistance under the direct 22 supervision of a shall supervise the services of a radiologist 23 assistant.

1 2. A physician licensed by the State Board of Medical Licensure 2 and Supervision or the State Board of Osteopathic Examiners and 3 certified by the American Board of Radiology or the American 4 Osteopathic Board of Radiology shall supervise the services of a 5 nuclear medicine technologist, radiation therapist or radiographer. 6 B. C. The State Board of Medical Licensure and Supervision 7 shall promulgate rules defining the scope of practice of a nuclear medicine technologist, radiation therapist, radiographer or 8 9 radiologist assistant and the educational qualifications necessary 10 to practice as a radiologist assistant for licensure. 11 D. The Board may use guidelines adopted by the American College 12 of Radiology, the American Society of Radiologic Technologists, and 13 the American Registry of Radiologic Technologists in promulgating 14 rules for radiologist assistants. The Board may use guidelines 15 adopted by the American Society of Radiologic Technologists in 16 promulgating rules for radiographers or radiation therapists and the 17 American Society of Radiologic Technologists or Society of Nuclear 18 Medicine and Molecular Imaging in promulgating rules for nuclear 19 medicine technologists. The Board shall be the final authority in 20 all matters pertaining to licensure, continuing education 21 requirements and scope of practice of radiologist assistants, 22 radiographers, radiation therapists and nuclear medicine 23 technologists and shall not exceed the guidelines in this 24 subsection.

1 C. E. A radiologist assistant shall be certified and registered 2 with the American Registry of Radiologic Technologists or Certification Board of Radiology Practitioner Assistants as a 3 radiologist assistant or radiology practitioner assistant and 4 5 credentialed to provide radiology services and have completed a 6 radiologist assistant program accredited by. 7 F. A radiographer shall be certified and registered with the American Registry of Radiologic Technologists and passed in 8 9 radiography. 10 G. A radiation therapist shall be certified and registered with 11 the American Registry of Radiologic Technologists certification 12 examinations in radiation therapy. D. H. A nuclear medicine technologist shall be certified and 13 14 registered with the American Registry of Radiologic Technologists or 15 Nuclear Medicine Technology Certification Board in nuclear medicine 16 technology. 17 I. A radiologist assistant, radiographer, radiation therapist 18 or nuclear medicine technologist shall not interpret images, make 19 diagnoses, or prescribe medications or therapies or obtain informed 20 consent. 21 J. The State Board of Medical Licensure and Supervision shall 22 promulgate rules regarding the qualifications of radiologic 23 technologists performing radiography, radiation therapy or nuclear 24 medicine technology on combined or hybrid imaging equipment.

Req. No. 7421

1SECTION 3.AMENDATORY59 O.S. 2011, Section 541.2, is2amended to read as follows:

Section 541.2 A. There is hereby created a Radiologist
Assistant <u>and Radiologic Technologist</u> Advisory Committee within the
State Board of Medical Licensure and Supervision to assist in
administering the provisions of the Radiologist Assistant <u>and</u>
<u>Radiologic Technologist</u> Licensure Act. The Committee shall consist
of seven (7) members as follows:

9 1. One member shall be a physician appointed by the State Board
10 of Medical Licensure and Supervision <u>or State Board of Osteopathic</u>
11 Examiners from its membership;

12 2. One member shall be a radiologist appointed by the State 13 Board of Medical Licensure and Supervision from a list of qualified 14 individuals submitted by the Oklahoma State Medical Association <u>or</u> 15 <u>Oklahoma Osteopathic Association</u> and who is not a member of the 16 Board;

3. One member shall be a physician appointed by the State Board
of Osteopathic Examiners from its membership;

19 4. One member shall be a physician appointed by the State Board 20 of Osteopathic Examiners from a list of qualified individuals 21 submitted by the Oklahoma Osteopathic Association and who is not a 22 member of the State Board of Osteopathic Examiners; 23 5. One member shall be a radiologist appointed by the State

24 Board of Medical Licensure and Supervision from a list of qualified

individuals submitted by the Oklahoma State Radiological Society and
 who is not a member of the Board; and

3	<del>6. Two members</del> <u>4. One member</u> shall be <u>a</u> radiologist <del>assistants</del>
4	assistant appointed by the State Board of Medical Licensure and
5	Supervision from a list of radiologist assistants submitted by the
6	Oklahoma State Radiological Society <u>or Oklahoma Society of</u>
7	Radiologic Technologists;
8	5. One member shall be a radiographer appointed by the State
9	Board of Medical Licensure and Supervision from a list of
10	radiographers submitted by the Oklahoma Society of Radiologic
11	Technologists or national professional organizations representing
12	radiographers;
13	6. One member shall be a radiation therapist appointed by the
14	State Board of Medical Licensure and Supervision from a list of
15	radiation therapists submitted by the Oklahoma Society of Radiologic
16	Technologists or national professional organizations representing
17	radiation therapists; and
18	7. One member shall be a nuclear medicine technologist
19	appointed by the State Board of Medical Licensure and Supervision
20	from a list of nuclear medicine technologists submitted by the
21	Oklahoma Society of Radiologic Technologists or national
22	professional organizations representing nuclear medicine
23	technologists.
24	

B. All members of the Committee shall be residents of the Stateof Oklahoma.

3 The radiologist assistant practitioner nonphysician members С. 4 shall have engaged in rendering radiologist assistant services or 5 radiologic technology services within their respective scope of practice to the public, teaching, or research for at least two (2) 6 7 years immediately preceding their appointments. These members shall at all times be holders of valid licenses as radiologist assistants 8 9 or radiologic technologists in this state, except for the members 10 first appointed to the Committee.

B. D. Initial members of the Committee shall be appointed by
September 1, 2008 2018.

13 <u>E.</u> Members of the Committee shall be appointed for terms <u>The</u> 14 <u>terms</u> of <u>office shall be</u> four (4) years. Provided, the terms of 15 <del>office</del>, except that of the members first appointed <del>shall begin</del> 16 within a reasonable time frame after the effective date of this act 17 and shall continue for the following periods:

18 1. Two physicians and one radiologist assistant for a period of 19 three (3) years; and

20 2. Three physicians and one radiologist assistant for a period 21 of four (4) years. Two members shall be appointed for a term of one 22 (1) year, two members for a term of two (2) years and three members 23 for a term of three (3) years. Upon the expiration of a member's 24 term of office, the appointing authority for that member shall

Req. No. 7421

1 appoint a successor. Vacancies on the Committee shall be filled in 2 like manner for the balance of an unexpired term. No member shall 3 serve more than three consecutive terms. Each member shall serve 4 until a successor is appointed and qualified.

5 C. F. Upon expiration or vacancy of the term of a member, the respective nominating authority may, as appropriate, submit to the 6 7 appointing Board a list of three persons qualified to serve on the Committee to fill the expired term of their respective member. 8 9 Appointments may be made from these lists by the appointing Board, 10 and additionally additional lists may be provided by the respective 11 organizations if requested by the State Board of Medical Licensure 12 and Supervision.

13 D. G. The State Board of Medical Licensure and Supervision may 14 remove any member from the Committee for neglect of any duty 15 required by law, for incompetency, or for unethical or dishonorable 16 conduct.

17 E. H. The Committee shall meet at least twice each year and 18 shall elect biennially during odd-numbered years a chair and vice-19 chair from among its members. The Committee may convene at the 20 request of the chair, or as the Committee may determine for such 21 other meetings as may be deemed necessary.

22 F. I. A majority of the members of the Committee, including the 23 chair and vice-chair, shall constitute a quorum at any meeting, and 24

Req. No. 7421

a majority of the required quorum shall be sufficient for the
 Committee to take action by vote.

G. J. The Committee shall advise the Board in developing policy
and rules pertaining to the Radiologist Assistant <u>and Radiologic</u>
Technologist Licensure Act.

6 H. K. Members of the State Board of Medical Licensure and 7 Supervision and members of the Radiologist Assistant <u>and Radiologic</u> 8 <u>Technologist</u> Advisory Committee shall be reimbursed for all actual 9 and necessary expenses incurred while engaged in the discharge of 10 official duties pursuant to <u>this act</u> <u>the Radiologist Assistant and</u> 11 <u>Radiologic Technologist Licensure Act</u> in accordance with the State 12 Travel Reimbursement Act.

13SECTION 4.AMENDATORY59 O.S. 2011, Section 541.3, is14amended to read as follows:

Section 541.3 A. The State Board of Medical Licensure and Supervision shall:

License and renew the licenses of duly qualified applicants;
 Maintain an up-to-date list of every person licensed to
 practice as a radiologist assistant <u>or radiologic technologist</u>
 pursuant to the Radiologist Assistant <u>and Radiologic Technologist</u>
 Licensure Act. The list shall show the licensee's:
 a. last-known place of employment.

- a. last-known place of employment,
- b. last-known place of residence, and
- c. disciplines in which the licensee is licensed, and

1 d. the date and number of the license; 2 3. Cause the prosecution of all persons violating the 3 Radiologist Assistant and Radiologic Technologist Licensure Act and 4 incur necessary expenses therefor; 5 4. Keep a record of all proceedings of the Board and make the record available to the public for inspection during reasonable 6 7 business hours; 5. Conduct hearings upon charges calling for discipline of a 8 9 licensee, or denial, revocation, or suspension of a license; and 10 6. Share information on a case-by-case basis of any person 11 whose license has been suspended, revoked, or denied. This 12 information shall include the name, type and cause of action, date 13 and penalty incurred, and the length of penalty. This information 14 shall be available for public inspection during reasonable business 15 hours and shall be supplied to similar boards in other states upon 16 request.

B. The State Board of Medical Licensure and Supervision may:
1. Promulgate rules consistent with the laws of this state and
in accordance with Article I of the Administrative Procedures Act as
may be necessary to enforce the provisions of the Radiologist
Assistant and Radiologic Technologist Licensure Act;

22 2. Employ such personnel as necessary to assist the Board in23 performing its function;

24

3. Establish license renewal requirements and procedures as
 deemed appropriate; and

3 4. Set fees for licensure and renewal not to exceed Three
4 Hundred Dollars (\$300.00) One Hundred Fifty Dollars (\$150.00) per
5 license or renewal.

6 SECTION 5. AMENDATORY 59 O.S. 2011, Section 541.4, is 7 amended to read as follows:

8 Section 541.4 A. The applicant, except where otherwise defined 9 in the Radiologist Assistant <u>and Radiologic Technologist</u> Licensure 10 Act, shall be required to pass an examination, whereupon the State 11 Board of Medical Licensure and Supervision may issue to the 12 applicant a license to practice as a radiologist assistant.

13 An individual who has been engaged in the practice of в. 14 radiologic imaging or radiation therapy, other than a radiologist 15 assistant, who is not certified and registered by a certification 16 organization recognized by the Board, based on technical advice and 17 recommendations from the Radiologist Assistant and Radiologic 18 Technologist Advisory Committee, may continue to practice in the 19 area of radiologic imaging or radiation therapy in which the 20 individual is currently employed provided the individual: 21 1. Registers with the Board on or before July 1, 2018; 22 2. Does not change the scope or area of his or her current

23 practice;

1	3. Completes all continuing education requirements for his or
2	her area of practice biennially as prescribed by the Board;
3	4. Practices only under the supervision of a licensed
4	practitioner; and
5	5. Obtains a license to practice in the area of his or her
6	practice from the Board by July 1, 2023.
7	<u>C.</u> The Board may issue a license to practice as a radiologist
8	assistant by endorsement to:
9	1. An applicant who is currently licensed to practice as a
10	radiologist assistant under the laws of another state, territory, or
11	country if the qualifications of the applicant are deemed by the
12	Board to be equivalent to those required in this state; <u>or</u>
13	2. Applicants holding credentials The applicant who are is
14	certified and registered with the American Registry of Radiologic
15	Technologists and have completed or the Certification Board of
16	Radiology Practitioner Assistants as a radiologist assistant <del>program</del>
17	accredited by the American Registry of Radiologic Technologists and
18	passed the American Registry of Radiologic Technologists
19	certification examinations or a radiology practitioner assistant,
20	provided <del>such</del> the credentials of the applicant have not been
21	suspended or revoked; and
22	3. Applicants applying under the conditions of this section who
23	certify under oath that their credentials have not been suspended or
24	revoked.

Req. No. 7421

<pre>2 medicine technologist by endorsement to: 3 <u>1. An applicant who is currently licensed to practice as a</u></pre>	
3 <u>1. An applicant who is currently licensed to practice as a</u>	
4 nuclear medicine technologist under the laws of another state,	
5 territory, or country if the qualifications of the applicant are	<u>e</u>
6 deemed by the Board to be equivalent to those required in this	
7 <u>state; or</u>	
8 2. The applicant is certified and registered with the Amer.	ican
9 Registry of Radiologic Technologists or Nuclear Medicine Technol	Logy
10 <u>Certification Board as a nuclear medicine technologist; and</u>	
11 <u>3. Applicants applying under the conditions of this section</u>	n who
12 certify under oath that their credentials have not been suspende	ed or
13 <u>revoked.</u>	
14 E. The Board may issue a license to practice as a radiation	<u>1</u>
15 therapist by endorsement to:	
16 <u>1. An applicant who is currently licensed to practice as a</u>	
17 radiation therapist under the laws of another state, territory,	or
18 country if the qualifications of the applicant are deemed by the	<u>e</u>
19 Board to be equivalent to those required in this state; or	
20 <u>2. The applicant is certified and registered with the Ameri</u>	ican
21 <u>Registry of Radiologic Technologists as a radiation therapist;</u>	and
22 <u>3. Applicants applying under the conditions of this section</u>	n who
23 certify under oath that their credentials have not been suspende	ed or
24 <u>revoked.</u>	

1	F. The Board may issue a license to practice as a radiographer
2	assistant by endorsement to:
3	1. An applicant who is currently licensed to practice as a
4	radiographer under the laws of another state, territory or country
5	if the qualifications of the applicant are deemed by the Board to be
6	equivalent to those required in this state; or
7	2. The applicant is certified and registered with the American
8	Registry of Radiologic Technologists as a radiographer; and
9	3. Applicants applying under the conditions of this section who
10	certify under oath that their credentials have not been suspended or
11	revoked.
12	SECTION 6. AMENDATORY 59 O.S. 2011, Section 541.5, is
13	amended to read as follows:
14	Section 541.5 A. A person holding a license to practice as a
15	radiologist assistant in this state may use the title "radiologist
16	assistant" and the abbreviation "RA". <u>A person holding a license to</u>
17	practice as a radiographer may use the title "radiologic
18	technologist - radiography" and the abbreviation "RT(R)". A person
19	holding a license to practice as a radiation therapist may use the
20	title "radiologic technologist - therapy" and the abbreviation
21	"RT(T)". A person holding a license to practice as a nuclear
22	medicine technologist may use the title "radiologic technologist -
23	nuclear medicine" and the abbreviation "RT(N)".
24	B. A licensee shall present this license when requested.

1SECTION 7.AMENDATORY59 O.S. 2011, Section 541.6, is2amended to read as follows:

3 Section 541.6 A. Except as otherwise provided in the 4 Radiologist Assistant and Radiologic Technologist Licensure Act, a 5 license shall be renewed biennially. The State Board of Medical Licensure and Supervision shall mail notices at least thirty (30) 6 7 sixty (60) days prior to expiration for renewal of licenses to every person to whom a license was issued or renewed during the preceding 8 9 renewal period. The licensee shall complete the notice of renewal 10 and return it to the Board with the renewal fee determined by the 11 Board before the date of expiration.

B. Upon receipt of the notice of renewal and the fee, the Board shall verify its contents and shall issue the licensee a license for the current renewal period, which shall be valid for the period stated thereon.

16 C. A licensee who allows the license to lapse by failing to 17 renew it may be reinstated by the Board upon payment of the renewal 18 fee and reinstatement fee of One Hundred Dollars (\$100.00); 19 provided, that such request for reinstatement must be received 20 within thirty (30) days of the end of the renewal period.

D. 1. A licensed radiologist assistant <u>or radiologic</u> <u>technologist</u> who does not intend to engage in the practice shall send a written notice to that effect to the Board and is not required to submit a notice of renewal and pay the renewal fee as 1 long as the practitioner remains inactive. Upon desiring to resume 2 practicing as a radiologist assistant or radiologic technologist, the practitioner shall notify the Board in writing of this intent 3 4 and shall satisfy the current requirements of the Board in addition 5 to submitting a notice of renewal and remitting the renewal fee for the current renewal period and the reinstatement fee. 6

7 Rules of the Board shall provide for a specific period of 2. time of continuous inactivity after which retesting is required. 8

9 Ε. The Board is authorized to establish by rule fees for 10 replacement and duplicate licenses not to exceed One Hundred Dollars 11 (\$100.00) per license.

12 The Board shall by rule prescribe continuing education F. 13 requirements as a condition for renewal of license. The program 14 criteria with respect thereto shall be approved by the Board. 15 59 O.S. 2011, Section 541.7, is SECTION 8. AMENDATORY 16

17 Section 541.7 Fees received by the State Board of Medical 18 Licensure and Supervision and any other monies collected pursuant to 19 the Radiologist Assistant and Radiologic Technologist Licensure Act 20 shall be deposited with the State Treasurer who shall place the 21 monies in the regular depository fund of the Board. The deposit, 22 less the ten-percent gross fees paid into the General Revenue Fund 23 pursuant to Section 211 of Title 62 of the Oklahoma Statutes, is 24 hereby appropriated and shall be used to pay expenses incurred

Req. No. 7421

amended to read as follows:

pursuant to the Radiologist Assistant <u>and Radiologic Technologist</u>
 Licensure Act.

3 SECTION 9. AMENDATORY 59 O.S. 2011, Section 541.8, is 4 amended to read as follows:

Section 541.8 The State Board of Medical Licensure and
Supervision may revoke, suspend, or refuse to renew any license, or
place on probation, or otherwise reprimand a licensee or deny a
license to an applicant if it finds that the person:

9 1. Is guilty of fraud or deceit in procuring or attempting to 10 procure a license or renewal of a license to practice as a 11 radiologist assistant or radiologic technologist;

Is unfit or incompetent by reason of negligence, habits, or
 other causes of incompetency;

14 3. Is habitually intemperate in the use of alcoholic beverages;
15 4. Is addicted to, or has improperly obtained, possessed, used
16 or distributed habit-forming drugs or narcotics;

17 5. Is guilty of dishonest or unethical conduct;

18 6. Has practiced as a radiologist assistant <u>or radiologic</u>
19 <u>technologist</u> after the license has expired or has been suspended;

20 7. Has practiced as a radiologist assistant <u>or radiologic</u>
21 <u>technologist</u> under cover of any license illegally or fraudulently
22 obtained or issued;

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8. Has violated or aided or abetted others in violation of any
 provision of the Radiologist Assistant <u>and Radiologic Technologist</u>
 Licensure Act;

9. Has been guilty of unprofessional conduct as defined by the
rules established by the Board, or of violating the code of ethics
adopted and published by the Board; or

7 10. Is guilty of the unauthorized practice of medicine.

8 SECTION 10. NEW LAW A new section of law to be codified 9 in the Oklahoma Statutes as Section 541.9A of Title 59, unless there 10 is created a duplication in numbering, reads as follows:

As used in the Radiologist Assistant and Radiologic Technologist Licensure Act:

13 1. "Fluoroscopy" means the exposure of a patient to external
 14 ionizing radiation in a fluoroscopy mode, including positioning the
 15 patient and fluoroscopy equipment and the selection for exposure
 16 factors;

17 2. "Hybrid imaging equipment" means equipment that combines 18 more than one medical imaging modality or radiation therapy into a 19 single device including, but not limited to, image-guided radiation 20 therapy or positron emission tomography/computed tomography;

3. "Ionizing radiation" means radiation that may consist of
alpha particles, beta particles, gamma rays, x-rays, neutrons, highspeed electrons, high-speed protons or other particles capable of
producing ions. Ionizing radiation does not include radiation such

1 as radio frequency or microwaves, visible infrared or ultraviolet
2 light, or ultrasound;

4. "Licensed practitioner" means a medical or osteopathic
physician, chiropractor, podiatrist or dentist with education and
specialist training in the medical or dental use of radiation who is
deemed competent to independently perform or supervise medical
imaging or radiation therapy procedures and who is licensed in this
state;

9 5. "Nuclear medicine technology" means the performance of a 10 variety of:

- 11a.nuclear medicine and molecular imaging procedures12using sealed and unsealed radiation sources, ionizing13radiation and adjunctive medicine including contrast14media, and
- b. therapeutic procedures using unsealed radioactivesources;

17 6. "Radiologic technologist" means any person, other than a
18 licensed practitioner, who administers radiologic technology or
19 radiation therapy procedures to humans for medical diagnostic or
20 therapeutic purposes and includes nuclear medicine technologists,
21 radiation therapists and radiographers;

22 7. "Radiation therapy" means the planning and administration of
 23 external ionizing radiation for therapeutic or curative purposes;

8. "Radiography" means the performance of a comprehensive set
 of diagnostic radiographic procedures using external ionizing
 radiation, including the administration of contrast media, to
 produce radiographic, fluoroscopic or digital images;

9. "Radiologist" means a physician certified by or boardeligible to be certified for the American Board of Radiology, the
American Osteopathic Board of Radiology, the British Royal College
of Radiology or the Canadian College of Physicians and Surgeons in
that medical specialty; and

10 10. "Radiologist assistant" means a radiographer who has met additional qualifications to perform a variety of activities under the supervision of a radiologist in the areas of patient care, patient management, radiographic imaging or interventional procedures guided by fluoroscopy.

15 SECTION 11. REPEALER 59 O.S. 2011, Section 541.9, is 16 hereby repealed.

SECTION 12. This act shall become effective November 1, 2017.

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