



**VIRTUAL/TELECONFERENCE
RADIOGRAPHY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
July 24, 2024**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of February 28, 2024 (4-7)**
- C. Introductions, Announcements, and Recognition**
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Berumen, Blas R. – 7/1/2028
 - b. Borst, Donald A. – 7/1/2025
 - c. Grebe, Paul J. – 7/1/2027
 - d. Julson, Rachael S. – 7/1/2028
 - e. Szykutowicz, Timothy P. – 7/1/2024
- F. Administrative Rule Matters – Discussion and Consideration (8-62)**
 - 1) Rule drafting for RAD 1, 2, and 4 for definitions and scope of practice **(9-61)**
 - 2) Discussion of potential new scope statement **(62)**
 - 3) Pending or Possible Rulemaking Projects
- G. Discussion and Consideration of Items Added After Preparation of Agenda**
 - 1) Introductions, Announcements and Recognition
 - 2) Nominations, Elections, and Appointments
 - 3) Administrative Matters
 - 4) Election of Officers
 - 5) Appointment of Liaisons and Alternates
 - 6) Delegation of Authorities
 - 7) Education and Examination Matters
 - 8) Credentialing Matters
 - 9) Practice Matters

- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Public Health Emergencies
- 14) Board Liaison Training and Appointment of Mentors
- 15) Informational Items
- 16) Division of Legal Services and Compliance (DLSC) Matters
- 17) Presentations of Petitions for Summary Suspension
- 18) Petitions for Designation of Hearing Examiner
- 19) Presentation of Stipulations, Final Decisions and Orders
- 20) Presentation of Proposed Final Decisions and Orders
- 21) Presentation of Interim Orders
- 22) Petitions for Re-Hearing
- 23) Petitions for Assessments
- 24) Petitions to Vacate Orders
- 25) Requests for Disciplinary Proceeding Presentations
- 26) Motions
- 27) Petitions
- 28) Appearances from Requests Received or Renewed
- 29) Speaking Engagements, Travel, or Public Relation Requests, and Reports

H. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

I. Credentialing Matters

- 1) **Application Review (63-72)**
 - a. D.D.A. – Limited X-Ray Machine Operator (LXMO)

J. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Proposed Stipulations Final Decisions and Orders (73-80)**
 - a. 24 RAD 001 – Elizabeth F. Allard

K. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Case Closings
- 13) Proposed Final Decisions and Orders
- 14) Matters Relating to Costs/Orders Fixing Costs

- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

M. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

N. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: DECEMBER 11, 2024

Board Member Training: November 15, 2024

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED
WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
RADIOGRAPHY EXAMINING BOARD
MEETING MINUTES
FEBRUARY 28, 2024**

PRESENT: Blas “Ray” Berumen, Donald Borst, Paul Grebe, Rachael Julson

EXCUSED: Timothy Szczykutowicz

STAFF: Sarah Barry, Division Administrator; Jameson Whitney, Legal Counsel; Jake Pelegrin, Administrative Rules Coordinator; Tracy Drinkwater, Board Administration Specialist; and other Department staff

CALL TO ORDER

Donald Borst, Chairperson, called the meeting to order at 9:30 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Paul Grebe moved, seconded by Blas Berumen, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 8, 2023

MOTION: Rachael Julson moved, seconded by Blas Berumen, to approve the Minutes of November 8, 2023, as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Rachael Julson nominated the 2023 slate of officers to continue in 2024. All officers accepted their nominations.

Sarah Barry, Division Administrator, called for nominations three (3) times.

All in favor.

The Slate of Officers was elected by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Donald Borst
Vice Chairperson	Rachael Julson
Secretary	Tim Szczykutowicz

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Donald Borst <i>Alternate: Tim Szczykutowicz</i>
Education and Examinations Liaison(s)	Donald Borst <i>Alternate: Rachael Julson</i>
Monitoring Liaison(s)	Donald Borst <i>Alternate: Paul Grebe</i>
Professional Assistance Procedure (PAP) Liaison(s)	Donald Borst <i>Alternate: Paul Grebe</i>
Legislative Liaison(s)	Donald Borst <i>Alternate: Blas Berumen</i>
Travel Authorization Liaison(s)	Donald Borst <i>Alternate: Tim Szczykutowicz</i>
Practice Question Liaison(s)	Rachael Julson <i>Alternate: Donald Borst</i>
Website Liaison(s)	Donald Borst
Screening Panel	Donald Borst, Blas Berumen <i>Alternate: Rachael Julson</i>

Delegation of Authorities

Review and Approval of 2023 Delegations

MOTION: Paul Grebe moved, seconded by Rachael Julson, to reaffirm all delegation motions from 2023 as reflected in the agenda materials. Motion carried unanimously.

Document Signature Delegations

MOTION: Rachael Julson moved, seconded by Blas Berumen, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Paul Grebe moved, seconded by Blas Berumen, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the February 28, 2024, agenda materials. Motion carried unanimously.

Credentialing Authority Delegations

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION: Rachael Julson moved, seconded by Paul Grebe, to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Proposed Scope Statement for RAD 1, 2, and 4 for definitions and scope of practice

MOTION: Donald Borst moved, seconded by Rachael Julson, to authorize the Chairperson to approve the Scope Statement revising rules RAD 1, 2, and 4, relating to Definitions and Scope of Practice, for submission to the Governor’s Office and for publication in the Register. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

CLOSED SESSION

MOTION: Paul Grebe moved, seconded by Blas Berumen, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (s. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Donald Borst, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Blas “Ray” Berumen-yes; Donald Borst-yes; Paul Grebe-yes; and Rachael Julson-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:14 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Proposed Stipulation and Final Decision and Orders

23 RAD 003 – Tonya M. Rood

MOTION: Rachael Julson moved, seconded by Paul Grebe, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Tonya M. Rood, DLSC Case Number 23 RAD 003. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Rachael Julson moved, seconded by Paul Grebe, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened in Open Session at 10:19 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Donald Borst moved, seconded by Blas Berumen, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Rachael Julson moved, seconded by Paul Grebe, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:20 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 7/12/24 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>									
3) Name of Board, Committee, Council, Sections: Radiography Examining Board											
4) Meeting Date: 7/24/24	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Rule drafting for RAD 1, 2, and 4 for definitions and scope of practice 2. Discussion of potential new scope statement 3. Pending or possible rulemaking items									
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		9) Name of Case Advisor(s), if required: N/A								
10) Describe the issue and action that should be addressed: Attachments: -Drafting materials for RAD 1, 2, and 4 -Information on potential new scope statement from public comment from last meeting											
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black; vertical-align: bottom;"> 11) <i>Jake Pelegrin</i> </td> <td style="width: 40%; border-bottom: 1px solid black; vertical-align: bottom; text-align: right;"> Authorization 7/12/24 </td> </tr> <tr> <td style="border-bottom: 1px solid black; vertical-align: bottom;"> Signature of person making this request </td> <td style="border-bottom: 1px solid black; vertical-align: bottom; text-align: right;"> Date </td> </tr> <tr> <td style="border-bottom: 1px solid black; vertical-align: bottom;"> Supervisor (if required) </td> <td style="border-bottom: 1px solid black; vertical-align: bottom; text-align: right;"> Date </td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black; vertical-align: bottom;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </td> </tr> </table>				11) <i>Jake Pelegrin</i>	Authorization 7/12/24	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda)	
11) <i>Jake Pelegrin</i>	Authorization 7/12/24										
Signature of person making this request	Date										
Supervisor (if required)	Date										
Executive Director signature (indicates approval to add post agenda deadline item to agenda)											
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.											

RAD 1, 2, and 4: Definitions and Scope of Practice

Goals: **1. Clarify who needs and who doesn't need a radiography license.**

Notes: Credentialing Liaison brought up (Borst) – confusion on who needs to get a Radiographer license (radiation therapist, nuclear medicine technologist, MRI technologist, etc.; People not certified by ARRT; People who perform CTs and PET CTs) – If not on exempt list in statute, do they need a license?

Goal #1.

If you're applying X-rays or using "radiographic technique", and you don't fall into the list of exceptions, then yes, you need a license. We can't change the statute.

Within the radiography code, we can add language in the code to clarify which of these professions need a license and which don't (those that don't use X-rays/radiation don't need a license - MRIs).

How in-depth does the Board want to go in terms of describing other medical technologies and other medical professions? See examples in Illinois code and Iowa code below. I gave a summary of those states' radiography regulations in the analysis section of the rule draft.

Wisconsin statutes

462.01 Definitions. In this chapter:

- (1) "Board" means the radiography examining board.
- (2) "Bone densitometry" means the quantitative assessment of bone mass using single or dual energy X-ray absorptiometry.
- (3) "Department" means the department of safety and professional services.
- (4) "Physician" means a person licensed to practice medicine and surgery under s. [448.04 \(1\) \(a\), \(b\), or \(bg\)](#).
- (5) "Practice of radiography" means the imaging of anatomical structures, produced by the combined application of X-rays to the human body and the application of knowledge in the fields of anatomy, radiographic positioning, and radiographic technique, and knowledge of principles of radiation protection, for the purpose of medical diagnosis except that "practice of radiography" does not include bone densitometry.

History: [2009 a. 106](#); [2011 a. 32](#); [2013 a. 240](#).

462.02 Practice, use of title restricted.

- (1)
 - (a) Subject to sub. (2), no person may use the title "radiographer," represent himself or herself as a radiographer, or engage in the practice of radiography, unless the person is granted a license under s. [462.03 \(2\)](#).
 - (b) A person who holds a limited X-ray machine operator permit to perform radiography and who does not hold a license under s. [462.03 \(2\)](#) may not perform radiography except as authorized under the permit. A

limited X-ray machine operator permit shall authorize the holder to perform radiography of one or more of the following:

1. The thorax, lungs, and ribs.
2. The upper and lower extremities, including the pectoral girdle but excluding the hip and pelvis.
3. The foot, ankle, and lower leg below the knee.
4. The cervical, thoracic, and lumbar spine.

(2) Subsection (1) does not apply to any of the following:

- (a) A physician.
- (b) A person enrolled as a student in a radiography program approved by the board, if the person is directly supervised by a physician or a person licensed under s. [462.03 \(2\)](#).
- (c) A chiropractor licensed under s. [446.02](#) or a person under the direct supervision of such a chiropractor, if the person has successfully completed a course of instruction comprising at least 48 hours of instruction approved by the chiropractic examining board related to X-ray examinations.
- (d) A dentist licensed under s. [447.04 \(1\)](#), a dental therapist licensed under s. [447.04 \(1m\)](#), a dental hygienist licensed under s. [447.04 \(2\)](#), a person certified as an expanded function dental auxiliary under s. [447.04 \(3\)](#), a dentist or dental hygienist who holds a compact privilege under subch. [II of ch. 447](#), or a person under the direct supervision of a dentist.

NOTE: Par. (d) is shown as amended by [2023 Wis. Acts 87](#) and [88](#) and as merged by the legislative reference bureau under s. 13.92 (2) (i).

- (e) A physician assistant.
- (f) A podiatrist licensed under s. [448.63](#) or a person under the direct supervision of such a podiatrist, if the person has successfully completed a course of instruction approved by the podiatry affiliated credentialing board related to X-ray examinations under s. [448.695 \(3\)](#).

History: [2009 a. 106](#); [2017 a. 364](#) s. 49; [2021 a. 23, 254](#); [2023 a. 81, 87, 88](#); s. 13.92 (2) (i).

462.03 Issuance of license, permit.

- (1) GENERAL REQUIREMENTS. The board may not grant a license or limited X-ray machine operator permit under this section to a person unless all of the following apply:

- (a) The person is at least 18 years of age.
- (b) The person holds a high school diploma or its equivalent, as determined by the board.
- (c) The person pays the initial credential fee determined by the department under s. [440.03 \(9\) \(a\)](#).
- (d) The person submits an application on a form provided by the department.
- (e) Subject to ss. [111.321](#), [111.322](#), and [111.335](#), the person does not have an arrest or conviction record.

- (2) LICENSE. Subject to sub. (1), the board shall grant a license to practice radiography to a person who passes an examination administered by the board and submits evidence satisfactory to the board that the person has completed a course of study in radiography that has been approved by the board or an equivalent course of study, as determined by the board.

- (3) PERMIT. Subject to sub. (1), the board shall grant a limited X-ray machine operator permit to perform radiography to a person who passes an examination administered by the board and submits evidence satisfactory to the board that the person has completed an appropriate course of study, as determined by the board.

History: [2009 a. 106](#).

- 462.04 Prescription or order required.** A person who holds a license or limited X-ray machine operator permit under this chapter may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. [448.04 \(1\) \(a\)](#), a naturopathic doctor licensed under s. [466.04 \(1\)](#), a dentist who is licensed under s. [447.04 \(1\)](#) or who holds a compact privilege under subch. [II of ch. 447](#), a dental therapist licensed under s. [447.04 \(1m\)](#), a podiatrist licensed under s. [448.63](#), a chiropractor licensed under s. [446.02](#), an advanced practice nurse certified under s. [441.16 \(2\)](#), a physician assistant who is licensed under s. [448.974](#) or who holds a

compact privilege under subch. [XIII of ch. 448](#), or, subject to s. [448.56 \(7\) \(a\)](#), a physical therapist who is licensed under s. [448.53](#) or who holds a compact privilege under subch. [XI of ch. 448](#).

NOTE: This section is shown as amended by [2023 Wis. Acts 81, 87, and 88](#) and as merged by the legislative reference bureau under s. 13.92 (2) (i). The cross-reference to subch. XI of ch. 448 was changed from subch. X of ch. 448 by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of subch. X of ch. 448.

History: [2009 a. 106](#); [2015 a. 375](#); [2019 a. 100](#); [2021 a. 23, 130, 251](#); [2023 a. 81, 87, 88](#); s. 13.92 (1) (bm) 2.; s. 13.92 (2) (i).

STATE OF WISCONSIN
RADIOGRAPHY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	RADIOGRAPHY EXAMINING
RADIOGRAPHY EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Radiography Examining Board to **amend** RAD 1 relating to Definitions and Scope of Practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 462.06 (2), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 462.06 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats., provides that “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 462.06 (2), Stats.: “The board may promulgate rules that establish a code of ethics for persons who hold a license or limited X-ray machine operator permit under s. 462.03.”

Related statute or rule:

None.

Plain language analysis:

The objective of the proposed rule is to review the definitions and scope of practice for radiographers in Rad 1, 2, and 4, and to consider clarifying when a radiography license is required in various medical roles and in the use of various medical technologies.

Current rules concerning definitions and scope of practice for radiographers and limited x-ray machine operators are unclear on the use of various medical imaging technologies that are commonly used in the field. Also, the definitions and scope of practice are unclear whether various related medical roles are required to have a radiography license. The proposed rules would clarify the scope of practice for radiographers and limited x-ray machine operators in the use of various medical technologies, and would clarify when a radiography license is required to perform various related medical roles.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

N/A

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Emergency Management Agency provide for credentialling in the use of medical radiation technology in Illinois [32 Ill. Admin. Code 401]. These rules require the credentialling of any person who applies ionizing radiation to humans or who otherwise uses medical radiation technology, unless specifically exempted by their statutes and rules. This is a broad requirement and includes the disciplines of medical radiography, nuclear medicine technology, radiation therapy technology, and chiropractic radiography. Their code is extremely comprehensive on this topic and provides definitions and regulations on these medical roles and many more. It also provides definitions and regulations on the different types of medical imaging technologies. Applicants can be credentialled in one or more of the following categories: Medical Radiography, Nuclear Medicine Technology, Radiation Therapy Technology, Chiropractic Radiography, Limited Diagnostic Radiography, Radiologist Assistant, and Nuclear Medicine Advanced Associate.

Iowa:

641 IAC 42 requires credentialling of individuals who operate or use ionizing radiation producing machines or administer radioactive materials on or to human patients or human research subjects for diagnostic or therapeutic purposes. The code does provide exemptions for licensed medical practitioners. Similar to Illinois, the code provides definitions for the various related medical imaging technologies and medical roles, such as computed tomography, nuclear medicine procedure, nuclear medicine technologist,

PET/CT, radiation therapist, and others. It provides comprehensive regulations for licensees in the following categories: general radiologic technologist, general nuclear medicine technologist, radiation therapist, radiologist assistant, limited radiologic technologist, and X-ray equipment operator, and others.

Michigan:

The State of Michigan does not license operators of x-ray machines, nor does it have any requirements relative to the licensure or credentialing of x-ray machine operators except for operators of mammography machines (Mich Admin Code, R 333.5630) and CT machines (Mich Admin Code, R 325.5705). Mammographic examinations must be performed by a radiologic technologist who meets the requirements of 21 C.F.R. 900.12 (a) (2), "Radiologic technologists" (2000). CT examinations must be performed by a radiologic technologist who meets the Michigan code's licensing requirements or by a licensed physician or osteopathic physician.

Minnesota:

The Minnesota Statutes, Section 144.121 regulate the use of x-ray systems on living humans. To operate an X-ray system, individuals must have passed a national or state examination. These include the American Registry of Radiologic Technologists (ARRT) radiography examination, the American Chiropractic Registry of Radiologic Technologists examination, the ARRT radiation therapy examination, the Minnesota examination for limited scope x-ray operators, the Minnesota examination for bone densitometry equipment operators, or others. Cardiovascular technologists must be credentialed by Cardiovascular Credentialing International. Nuclear medicine technologists must be credentialed by the Nuclear Medicine Technology Certification Board, the ARRT for nuclear medicine technology, or the American Society of Clinical Pathologists. Minnesota also provides credentialing exemptions for licensed dental health practitioners and other health care practitioners.

Summary of factual data and analytical methodologies:

The proposed rules were developed by consulting with the Radiography Examining Board, by reviewing the current statutes and codes that regulate the use of medical imaging technologies, and determining where more clarity and updates are needed in the code.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules will be posted for a period of 14 days to solicit public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

Effect on small business:

These proposed rules **do not have an economic impact on small businesses**, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted at Jennifer.Garrett@wisconsin.gov or (608) 266-2112.

Agency contact person:

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-0989; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing **on (date)** to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. RAD 1 is amended to read:

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Radiography Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chairperson
Radiography Examining Board

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 401
ACCREDITING PERSONS IN THE PRACTICE OF
MEDICAL RADIATION TECHNOLOGY

Section

401.10	Policy and Scope
401.20	Definitions
401.30	Exemptions
401.40	Application for Accreditation (Repealed)
401.50	Categories of Accreditation
401.60	Examination Requirements (Repealed)
401.70	Examination Requirements
401.80	Approved Program (Repealed)
401.90	Student-in-Training in Limited Diagnostic Radiography
401.100	Application and Issuance of Accreditation
401.110	Duration of Accreditation (Repealed)
401.120	Suspension, Revocation and Denial of Accreditation
401.130	Fees
401.140	Renewal of Accreditation
401.150	Reciprocity (Repealed)
401.160	Additional Requirements for Radiographers Performing Mammography (Repealed)
401.170	Civil Penalties
401.APPENDIX A	Limited Diagnostic Radiography Procedures by Type of Limited Accreditation
401.APPENDIX B	Example Topics Directly Related to Radiologic Sciences (Repealed)
401.APPENDIX C	Minimum Training Requirements for Radiographers Performing Mammography (Repealed)
401.APPENDIX D	Example Letter of Agreement for Radiologist Assistant
401.APPENDIX E	Example Letter of Agreement for Nuclear Medicine Advanced Associate

AUTHORITY: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Adopted at 7 Ill. Reg. 17318, effective January 1, 1984; emergency amendment at 8 Ill. Reg. 17584, effective September 12, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2499, effective February 13, 1985; amended at 10 Ill. Reg. 13259, effective July 28, 1986;

amended at 10 Ill. Reg. 21086, effective January 1, 1987; amended at 11 Ill. Reg. 15623, effective September 11, 1987; emergency amendment at 11 Ill. Reg. 19797, effective November 24, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7603, effective April 18, 1988; amended at 12 Ill. Reg. 18164, effective January 1, 1989; amended at 13 Ill. Reg. 15005, effective September 11, 1989; amended at 14 Ill. Reg. 15341, effective September 4, 1990; amended at 15 Ill. Reg. 7054, effective April 29, 1991; amended at 16 Ill. Reg. 9115, effective June 2, 1992; amended at 20 Ill. Reg. 12595, effective September 6, 1996; amended at 21 Ill. Reg. 13587, effective September 25, 1997; amended at 23 Ill. Reg. 324, effective January 1, 1999; amended at 24 Ill. Reg. 18239, effective December 1, 2000; amended at 27 Ill. Reg. 3471, effective February 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 31 Ill. Reg. 11622, effective July 26, 2007; amended at 37 Ill. Reg. 14008, effective August 22, 2013; amended at 38 Ill. Reg. 16871, effective July 25, 2014; amended at 44 Ill. Reg. 2488, effective January 22, 2020.

Section 401.10 Policy and Scope

- a) This Part establishes educational standards and an accreditation program applicable to persons who apply ionizing radiation to human beings. Specifically, this Part provides:
 - 1) Minimum standards of preparatory education and experience for persons who apply ionizing radiation to human beings in the disciplines of medical radiography, nuclear medicine technology, radiation therapy technology and chiropractic radiography.
 - 2) Examination requirements for certain categories of accreditation.
 - 3) Continuing education requirements for renewal of accreditation.
- b) This Part shall apply to any person who applies ionizing radiation to human beings for diagnostic, therapeutic or human research purposes in this State or who otherwise engages in the practice of medical radiation technology in this State unless specifically exempted by the Act or under Section 401.30. This Part shall also apply to persons who are not appropriately licensed under other statutes or regulations and who supervise students for purposes of instructing them while applying ionizing radiation to human beings.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.20 Definitions

As used in this Part, the following definitions shall apply:

"Accreditation" – The process by which the Agency grants permission to persons meeting the requirements of the Act and the Agency's rules and regulations to engage in the practice of administering radiation to human beings. [420 ILCS 40/4]

"ACRRT" – American Chiropractic Registry of Radiologic Technologists, 52 W Colfax Street, Palatine, Illinois 60067-5048, Phone (847) 705-1178, website: www.acrrt.com.

"Act" – The Radiation Protection Act of 1990 [420 ILCS 40].

"Agency" – The Illinois Emergency Management Agency.

"Applies Ionizing Radiation" or "Administers Radiation" – The acts of using ionizing radiation for diagnostic or therapeutic purposes. Specifically included are those tasks that have a direct impact on the radiation burden of the patient, which if performed improperly would result in the re-administration of radiation.

"Approved Program" – A formal education program in the respective discipline of radiography, nuclear medicine technology or radiation therapy that is accredited by one or more of the following:

Joint Review Committee on Education in Radiologic Technology

Joint Review Committee on Educational Programs in Nuclear Medicine Technology

Regional Accrediting Agencies

Conjoint Accreditation Services of the Canadian Medical Association

Australian Institute of Radiography

Medical Radiation Practice Board of Australia

National faith related accrediting agencies

National accrediting agencies.

"ARRT" – The American Registry of Radiologic Technologists, 1255 Northland Drive, St. Paul MN 55120-1155, Phone (651) 687-0048, website: www.rrt.org.

"Authorized User" – A licensed practitioner who is identified as an authorized user on a license or equivalent permit issued by the Agency, Nuclear Regulatory Commission or Agreement State that is authorized to permit the medical use of radioactive material.

"Bone Densitometry" – The science and art of applying x-radiation to human beings for determination of site specific bone density.

"CBRPA" – Certification Board for Radiology Practitioner Assistants, P.O. Box 469, Plaistow NH 03865, Phone (603) 421-2020, website: www.cbrpa.org.

"Chiropractic Radiographer" – A person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the general supervision of a licensed chiropractor.

"Chiropractic Radiography" – The science and art of applying x-radiation to human beings for diagnostic purposes in Chiropractic.

"Continuing Education Activity" – A learning activity that is planned, organized and administered to enhance the professional knowledge and skills underlying professional performance that a technologist uses to provide services for patients, the public or the medical profession. In order to qualify as continuing education, the activity must be planned, be organized and provide sufficient depth and scope of a subject area.

"Continuing Education Credit" or "CE Credit" – Unit of measurement for continuing education activities. One continuing education credit is awarded for one contact hour (50 minutes). Activities longer than one hour are assigned whole or partial credits based on the 50-minute hour. Educational activities of 30-49 minutes of duration will be awarded one-half of one CE credit. Activities that last less than 30 minutes will receive no credit.

"CT" or "Computed Tomography" – The production of a tomogram by the acquisition and computer processing of x-ray transmission data.

"Director" – The Director of the Illinois Emergency Management Agency.

"Ionizing Radiation" – Gamma rays, and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared or ultraviolet light.

"In vitro" – Isolated from the living organism.

"In vivo" – Occurring within the living organism.

"Licensed Practitioner" – A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25], or the Podiatric Medical Practice Act of 1987 [225 ILCS 100], who may use radiation for therapeutic, diagnostic or other medical purposes within the limits of the individual's licensure.

"Limited Diagnostic Radiographer" – A person, other than a licensed practitioner, who, while under the general supervision of a licensed practitioner, applies x-radiation for diagnostic purposes. Radiographic procedures are limited to one or more of the following anatomical regions: chest, extremities, skull/sinus or spine. However, a limited diagnostic radiographer may not perform any radiographic exam for a portable x-ray service provider.

AGENCY NOTE: Specific radiographic examinations appropriate to each type of limited radiography accreditation may be found in Appendix A.

"Medical Radiation Technology" – The science and art of performing medical radiation procedures involving the application of ionizing radiation to human beings for diagnostic and therapeutic purposes.

"Medical Radiographer" – A person, other than a licensed practitioner, who, while under general supervision of a licensed practitioner, applies x-radiation to any part of the human body and who, in conjunction with radiation studies, may administer contrast agents and related drugs for diagnostic purposes.

"Medical Radiography" – The science and art of applying x-radiation to human beings for diagnostic purposes.

"NMTCB" – Nuclear Medicine Technology Certification Board, 3558 Habersham At Northlake, Building I, Tucker GA 30084-4009, Phone (404) 315-1739, website: www.nmtcb.org.

"Nuclear Medicine Advanced Associate" – A person, other than a licensed practitioner, who, as a nuclear medicine technologist with advanced training and certifications, performs a variety of activities under the direct, general or personal supervision of a licensed practitioner, who is also an authorized user of radioactive materials, in the areas of patient care, patient management, clinical

imagine and invasive or therapeutic procedures. A Nuclear Medicine Advanced Associate may not make diagnoses or prescribe medications or therapies.

"Nuclear Medicine Technologist" – A person, other than a licensed practitioner, who administers radiopharmaceuticals and related drugs to human beings for diagnostic purposes, performs in vivo and in vitro detection and measurement of radioactivity and administers radiopharmaceuticals to human beings for therapeutic purposes. A nuclear medicine technologist may perform such procedures only while under the general supervision of a licensed practitioner who is licensed to possess and use radioactive materials.

"Nuclear Medicine Technology" – The science and art of in vivo and in vitro detection and measurement of radioactivity and the administration of radiopharmaceuticals to human beings for diagnostic and therapeutic purposes.

"PET" or "Positron Emission Tomography" – A nuclear medicine imaging technique that produces a three-dimensional image of functional processes in the body by detecting pairs of gamma rays emitted indirectly by a positron-emitting radionuclide.

"Portable X-Ray Service Provider" – A registrant who, under a physician's authorization, provides diagnostic x-ray procedures with hand-held or mobile radiographic equipment in a patient's place of residence.

"Radiation Therapist" – A person, other than a licensed practitioner, who performs procedures and applies ionizing radiation emitted from x-ray machines, particle accelerators, or sealed radioactive sources to human beings for therapeutic purposes while under the general supervision of a licensed practitioner who is licensed, as required, to possess and use radioactive materials.

"Radiation Therapy Technology" – The science and art of applying ionizing radiation emitted from x-ray machines, particle accelerators and sealed radioactive sources to human beings for therapeutic purposes.

"Radiologist Assistant" – A person, other than a licensed practitioner, who, as a medical radiographer with advanced-level training and certification, performs a variety of activities under the direct, general or personal supervision of a radiologist, certified by the American Board of Radiology or the American Osteopathic Board of Radiology, in the areas of patient care, patient management, clinical imaging and interventional procedures. The Radiologist Assistant may not interpret images, make diagnoses or prescribe medications or therapies.

"Recognized Continuing Education Evaluation Mechanism" or "RCEEM" – A mechanism for evaluating the content, quality and integrity of an educational activity. The evaluation shall include a review of educational objectives, content selection, faculty qualifications, and educational methods and materials. Among the requirements for qualification as an RCEEM, an organization shall be national in scope, non-profit, radiology based and willing to evaluate the CE activity developed by any technologist within a given discipline. Organizations with current RCEEM status may be found at <https://www.arrt.org/partners/rceems>.

"SPECT" or "Single Photon Emission Computed Tomography" – A nuclear medicine tomographic imaging technique using gamma rays.

"Supervision" – Responsibility for, and control of, quality, radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes. For purposes of this Part, supervision shall consist of one of the following:

Personal – The required individual must be in attendance in the room during the performance of the procedure.

Direct – The required individual must be present in at least an adjacent area and immediately available to furnish assistance and direction throughout the performance of the procedure.

General – The procedure is furnished under the overall direction and control of a licensed practitioner whose presence is not required during the performance of the procedure.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.30 Exemptions

- a) Nothing in the Act or this Part shall be construed to limit or affect in any respect, the practice of persons properly licensed under other statutes or regulations with respect to their professions.
- b) The Agency shall, upon application therefor or upon its own initiative, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety.
- c) Exemptions shall include:

- 1) A student enrolled in an approved program applicable to his/her profession who, as a part of his/her course of study, applies ionizing radiation to human beings while under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation.
- 2) A person registered with the Agency as a student-in-training in limited diagnostic radiography pursuant to Section 401.90 who, as a student, applies ionizing radiation to human beings while under the personal supervision of a licensed practitioner or an accredited medical, chiropractic, or appropriately qualified limited diagnostic radiographer. The procedures performed shall be limited to the procedures listed in Appendix A and applicable to the particular status condition of limited diagnostic radiography for which the student is registered. This exemption shall only apply to individuals who are registered with the Agency and shall only apply for 16 months.
- 3) A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987, the Illinois Dental Practice Act, or the Podiatric Medical Practice Act of 1987.
- 4) A person employed as a dental assistant who performs dental radiography for a licensed dentist.
- 5) A technician, nurse or other assistant who performs radiography under the general supervision of a person licensed under the Podiatric Medical Practice Act of 1987.
- 6) A person who holds Conditional Accreditation Type II issued in accordance with Section 401.100(a) during such time as that person is under the personal supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation for purposes of being instructed in the use of equipment and/or procedures other than those for which the person is currently accredited. This exemption is specific to the facility at which the accreditation is valid.
- 7) A nurse, technician, or other assistant who, under the general supervision of a person licensed under the Medical Practice Act of 1987, administers radiation to human beings, but only when such administration is performed on employees of a business at a medical facility owned and operated by that business.
- 8) A nurse, technician, or other assistant who, under the general supervision

of a person licensed under the Medical Practice Act of 1987, performs bone densitometry.

- 9) An accredited nuclear medicine technologist who performs CT radiographic exams as part of a PET/CT or SPECT/CT combination exam.
- 10) An accredited nuclear medicine technologist or radiation therapist who, certified in CT by the ARRT or NMTCB, performs CT radiographic exams.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.40 Application for Accreditation (Repealed)

(Source: Repealed at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.50 Categories of Accreditation

The Agency shall accredit persons in the practice of Medical Radiation Technology in one or more of these specific categories:

- a) Medical Radiography;
- b) Nuclear Medicine Technology;
- c) Radiation Therapy Technology;
- d) Chiropractic Radiography;
- e) Limited Diagnostic Radiography;
- f) Radiologist Assistant; and
- g) Nuclear Medicine Advanced Associate.

(Source: Amended at 37 Ill. Reg. 14008, effective August 22, 2013)

Section 401.60 Examination Requirements (Repealed)

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.70 Examination Requirements

- a) Persons who seek active or limited accreditation in medical radiation technology shall pass the appropriate examination as specified in subsection (b).
- b) Examinations appropriate to category of accreditation are as follows:
 - 1) Medical Radiography
The American Registry of Radiologic Technologists (R) (ARRT)
 - 2) Nuclear Medicine Technology
 - A) The American Registry of Radiologic Technologists (N) (ARRT)
 - B) The Nuclear Medicine Technology Certification Board (NMTCB)
 - 3) Radiation Therapy Technology
The American Registry of Radiologic Technologists (T) (ARRT)
 - 4) Chiropractic Radiography
American Chiropractic Registry of Radiologic Technologists (ACRRT),
provided that the examination was administered after June 30, 1984
 - 5) Radiologist Assistant
 - A) The American Registry of Radiologic Technologists (RRA)
(ARRT)
 - B) Certification Board for Radiology Practitioner Assistants (RPA)
(CBRPA)
 - 6) Nuclear Medicine Advanced Associate
The Nuclear Medicine Technologist Certification Board (NMAA)
(NMTCB)
 - 7) Limited Diagnostic Radiography
The American Registry of Radiologic Technologists (ARRT) Examination
for the Limited Scope of Practice in Radiography

- A) The exam will cover general radiography topics and, depending on the type of limited radiography sought, specific questions related to radiography of the chest, extremities, skull/sinus or spine.
- B) Applicants shall follow all rules established by ARRT for the examination, including ARRT's right to bar applicants from the exam for misconduct or irregular behavior.
- C) All exams shall be scheduled through the Agency.
- D) The passing score shall be 65 percent for any combination of sections of the exam.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.80 Approved Program (Repealed)

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.90 Student-in-Training in Limited Diagnostic Radiography

- a) A Student-in-Training in Limited Diagnostic Radiography shall be registered with the Agency on forms provided by the Agency.
- b) A Student-in-Training in Limited Diagnostic Radiography shall not begin application of ionizing radiation to humans prior to the Agency's approval of the student's proposed training as identified through the Student-in-Training registration process.
- c) A Student-in-Training in Limited Diagnostic Radiography may only perform those procedures listed in Appendix A that are applicable to the particular type of limited diagnostic radiography for which the student is registered, but only while under the personal supervision of a licensed practitioner or an accredited medical, chiropractic, or appropriately qualified limited diagnostic radiographer.
- d) Students shall register for the examination to become accredited on a form prescribed by the Agency and shall pay the fee in accordance with Section 401.130(b).
- e) Students shall not perform radiographic procedures beyond the 16 month registration period.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.100 Application and Issuance of Accreditation

- a) Any person applying to the Agency for initial accreditation or renewal of accreditation shall submit the appropriate application and pay the appropriate application fee in accordance with Section 401.130.
- b) The Agency shall issue and recognize the following types of accreditation:
 - 1) Active Status Accreditation for persons who have passed an examination as indicated in Section 401.70(b).
 - A) A Radiologist Assistant shall also submit a letter of agreement/delegation from a radiologist certified by the American Board of Radiology or the American Osteopathic Board of Radiology. An example letter may be found in Appendix D.
 - B) A Nuclear Medicine Advanced Associate shall also submit a letter of agreement/delegation from a licensed practitioner who is also an authorized user. An example letter may be found in Appendix E.
 - 2) Temporary accreditation for persons who have completed an approved program in medical radiography, nuclear medicine technology or radiation therapy technology and are eligible for the examination specified in Section 401.70(b). Temporary Accreditation shall convey the same rights as the Active Status Accreditation for which the individual is awaiting examination.
 - 3) Conditional Accreditation Type I for persons in a category of medical radiation technology upon determining that community hardship exists. When making a determination of the existence of community hardship, the Agency will consult with State, county or local health departments and will evaluate the availability of alternative radiology services and trained personnel.
 - 4) Conditional Accreditation Type II. The Agency will not issue Conditional Accreditation Type II after September 7, 1990. However, Conditional Accreditation Type II issued on or before September 7, 1990, is renewable in accordance with Section 401.140.
 - 5) Limited Diagnostic Radiography Accreditation for persons who have

passed examinations as indicated in Section 401.70(b)(7).

- c) All persons who have received accreditation from the Agency shall notify the Agency of any permanent or temporary change in their designated mailing address and of any change in name within 30 days after that change. Failure of the accredited individual to notify the Agency of any change shall not be considered a valid cause for delaying any subsequent administrative proceeding involving the particular accredited individual nor excuse the accredited individual from complying with any other legal obligations from the laws and rules administered by the Agency.
- d) The duration of issuance of Active Status, Temporary, Conditional Type I, Conditional Type II or Limited Diagnostic Radiography Accreditation shall be 2 years. Temporary accreditation is nonrenewable.
- e) The expiration date of a renewed accreditation that has been renewed on or before the expiration of the previous accreditation shall be 2 years from the expiration date of the previous accreditation. For renewal of accreditation that has lapsed, the expiration shall be 2 years from the last day of the month in which the application for renewal is processed.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.110 Duration of Accreditation (Repealed)

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.120 Suspension, Revocation and Denial of Accreditation

- a) The Agency may act to suspend or revoke an individual's accreditation, or refuse to issue or renew accreditation, for any one or a combination of the following causes:
 - 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial accreditation or renewal of accreditation if such misstatement or misrepresentation would impair the Agency's ability to assess and evaluate the applicant's qualifications for accreditation under this Part;
 - 2) Knowingly making a false material statement to an Agency employee during the course of official Agency business;

- 3) Willfully evading the statute or regulations pertaining to accreditation, or willfully aiding another person in evading the statute or regulations pertaining to accreditation;
- 4) Performing procedures under or representing as valid to any person either a certificate of accreditation not issued by the Agency, or a certificate of accreditation containing on its face unauthorized alterations or changes that are inconsistent with Agency records regarding the issuance of that certificate;
- 5) Having been convicted of a crime that is a felony under the laws of this State or conviction of a felony in a federal court, unless the individual demonstrates to the Agency that he/she has been sufficiently rehabilitated to warrant the public trust (see subsection (b));
- 6) Exhibiting significant or repeated incompetence in the performance of professional duties;
- 7) Having a physical or mental illness or disability that results in the individual's inability to perform professional duties with reasonable judgment, skill and safety;
- 8) Continuing to practice medical radiation technology when knowingly having a potentially serious disease, such as those listed in 77 Ill. Adm. Code 690.100, which could be transmitted to patients;
- 9) Having an actual or potential inability to practice radiologic technology with reasonable skill and safety on patients or other individuals due to use of alcohol, narcotics or stimulants;
- 10) Having had a similar credential by another state or the District of Columbia suspended or revoked if the grounds for that suspension or revocation are the same as or equivalent to one or more grounds for suspension or revocation set forth in this Section;
- 11) Failing to meet child support orders as provided in 5 ILCS 100/10-65. The action will be based solely upon the certification of delinquency made by the Department of Healthcare and Family Services, Division of Child Support Enforcement, or its successor agency, or the certification of violation made by the court. Further process, hearing or redetermination of the delinquency or violation by the Agency shall not be required (see 5 ILCS 100/10-65(c));

- 12) Failing to pay a fee or civil penalty properly assessed by the Agency;
 - 13) Failing to respond to an audit request by the Agency for documentation of continuing education;
 - 14) Applying ionizing radiation to a human being when not operating in each particular case under the direction of a duly licensed practitioner or to any person or part of the human body other than specified in the law under which the practitioner is licensed;
 - 15) Interpreting a diagnostic image for a physician, a patient, the patient's family or the public;
 - 16) Performing in a way that deviates from accepted professional conduct; and
 - 17) Engaging in conduct with a patient or another individual that is sexual, in any verbal behavior that is sexually demeaning to a patient, or in sexual exploitation of a patient or former patient. This applies to any unwanted sexual behavior, verbal or otherwise.
- b) Applicant Convictions
- 1) The Agency shall not consider the following criminal history records in connection with an application for accreditation:
 - A) Juvenile adjudications of delinquent minors as defined in Section 5-105 of the Juvenile Court Act of 1987, subject to the restrictions set forth in Section 5-130 of the Juvenile Court Act of 1987 [705 ILCS 405];
 - B) Law enforcement records, court records, and conviction records of an individual who was 17 years old at the time of the offense and before January 1, 2014, unless the nature of the offense required the individual to be tried as an adult;
 - C) Records of arrest not followed by a conviction;
 - D) Convictions overturned by a higher court; or
 - E) Convictions or arrests that have been sealed or expunged.

- 2) The Agency, upon a finding that an applicant for accreditation was convicted of a felony, shall consider any evidence of rehabilitation and mitigating factors contained in the applicant's record, including any of the following factors and evidence, to determine if the conviction will impair the ability of the applicant to engage in the position for which accreditation is sought:
 - A) The lack of direct relation of the offense for which the applicant was previously convicted to the duties, functions and responsibilities of the position for which a license is sought;
 - B) Whether 5 years since a felony conviction, or 3 years since release from confinement for the conviction, whichever is later, have passed without a subsequent conviction;
 - C) If the applicant was previously licensed or employed in this State or other states or jurisdictions, then the lack of prior misconduct arising from or related to the licensed position or position of employment;
 - D) The age of the person at the time of the criminal offense;
 - E) Successful completion of sentence and, for applicants serving a term of parole or probation, a progress report provided by the applicant's probation or parole officer that documents the applicant's compliance with conditions of supervision;
 - F) Evidence of the applicant's present fitness and professional character;
 - G) Evidence of rehabilitation or rehabilitative effort during or after incarceration, or during or after a term of supervision, including, but not limited to, a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections or a certificate of relief from disabilities under Section 5-5.5-10 of the Unified Code of Corrections; and
 - H) Any other mitigating factors that contribute to the person's potential and current ability to perform the duties and responsibilities of the position for which accreditation is sought.
- 3) If the Agency refuses to issue accreditation to an applicant, then the

Agency shall notify the applicant of the denial in writing, with the following included in the notice of denial:

- A) A statement about the decision to refuse to grant the accreditation;
 - B) A list of the convictions that the Agency determined will impair the applicant's ability to engage in the position for which accreditation is sought;
 - C) A list of convictions that formed the sole or partial basis for the refusal to issue accreditation; and
 - D) A summary of the appeal process or the earliest the applicant may reapply for accreditation, whichever is applicable.
- c) If, based upon any of the grounds in subsection (a), the Agency determines that action to suspend or revoke accreditation, or refusal to issue or renew accreditation, is warranted, the Agency shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200. An opportunity for a hearing shall be provided before the Agency takes action to suspend or revoke an individual's accreditation unless the Agency finds that an immediate suspension of accreditation is required to protect against immediate danger to the public health or safety (see 420 ILCS 40/38), in which case the Agency shall suspend an individual's accreditation pending a hearing.
- d) If the Agency finds that removal or refusal to issue or renew accreditation is warranted, the usual action shall be a suspension or denial of accreditation for up to one year. The term of suspension or denial may be reduced by the Director, based upon evidence presented, if the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. In the case of frequent child support arrearages, the Agency may also impose conditions, restrictions or disciplinary action upon the accreditation. However, if the Agency finds that the causes are of a serious or continuous nature, such as past actions that posed an immediate threat to public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Agency shall revoke the individual's accreditation or deny the application.
- e) When an individual's accreditation is suspended or revoked, the individual shall surrender his/her credential to the Agency until the termination of the suspension period or until reissuance of the accreditation.
- f) An individual whose accreditation has been revoked may seek reinstatement of

accreditation by submitting to the Agency an application with the appropriate fee. The application may be filed one year or more after the beginning of the revocation period.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.130 Fees

- a) The fees for initial or renewal of accreditation in all categories – Active, Conditional, Temporary or Limited Status shall be \$120 per application.
- b) The examination fee for Limited Diagnostic Radiography Accreditation shall be \$140 for the categories of Chest, Extremities, Spine, Skull and Sinuses, or any combination thereof. The fee amount is set by ARRT to cover the costs of providing the examination. The required fee shall be paid by:
 - 1) Cashier's check or money order made payable to ARRT (personal and business checks will not be accepted). The Agency will submit the payment to ARRT; or
 - 2) Credit card. Instructions for paying by credit card will be provided by the Agency upon receipt of the application. Failure to pay after instructions are provided will delay scheduling of the examination.
- c) The appropriate fees are to accompany the application when filing with the Agency, except as provided in subsection (b)(2). All fees under this Section are nonrefundable and nontransferable. An application is filed on the date that it is received and stamped by the Agency.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.140 Renewal of Accreditation

- a) Prerequisites
 - 1) An individual shall make application for renewal of accreditation on or before the expiration date of the accreditation. Accreditation shall lapse if not renewed within this time period and an individual may not legally perform medical radiation technology without valid accreditation, or without the expressed approval of the Agency during the time an application is pending. The approval shall be limited to the applicant who meets all requirements for accreditation and requires additional time for

the filing of continuing education records, or is undergoing an Agency audit of continuing education records.

- 2) Each applicant shall submit a complete and legible application with the fee for renewal of accreditation in accordance with Section 401.130. Submission of a complete application for renewal on or before the expiration date of the accreditation shall hold the prior accreditation valid until the Agency acts to grant or deny renewal of accreditation. The Agency will grant or deny renewal of accreditation within 90 days after receipt of application for renewal or the expiration date of the current accreditation, whichever is later.
 - 3) For those individuals who have Conditional Accreditation Type II that was issued on or before September 7, 1990, issuance of the renewal is contingent upon submission of a written Statement of Assurance that the individual is competent to apply ionizing radiation to human beings. The Statement of Assurance submitted to the Agency shall specify the nature of the equipment and procedures the individual is competent to utilize. The Statement of Assurance shall be on file or a new Statement shall be provided by a licensed practitioner under whose general supervision the individual is employed or has been employed. Conditional accreditation issued pursuant to this Section shall be specific to the procedures and equipment indicated in the Statement of Assurance. Renewal shall be for a two-year period.
- b) Continuing Education Requirements
- All applicants for renewal of accreditation shall have participated in an approved program that includes the amount of continuing education as indicated in subsection (b)(1):
- 1) The required effort in continuing education credits for each category of medical radiation technology is as follows:
 - A) Medical Radiology 24 CE credits
 - B) Nuclear Medicine Technology 24 CE credits
 - C) Radiation Therapy Technology 24 CE credits
 - D) Chiropractic Radiology 24 CE credits
 - E) Limited Diagnostic Radiography 12 CE credits

- F) Radiologist Assistant 50 CE credits
- G) Nuclear Medicine Advanced Associate 48 CE credits

2) The options for meeting the CE requirements are:

- A) A continuing education activity approved by the Agency. Relevant CE activities will be approved if submitted 30 days in advance, with appropriate documentation consisting of:
 - i) The Agency's CE approved request form;
 - ii) Course Outline;
 - iii) Course Objectives; and
 - iv) Instructor's curriculum vitae.
- B) Category A Activities – A continuing education activity that meets one of the following criteria:
 - i) Activities approved by an RCEEM.
 - ii) Approved academic courses offered by a post-secondary educational institution that are relevant to the radiologic sciences and/or patient care. Courses in the biologic sciences, physical sciences, communication (verbal and written), mathematics, computers, management or education methodology are considered relevant. Credit will be awarded at the rate of 12 CE credits for each academic quarter or 16 CE credits for each academic semester credit.
 - iii) Advanced Life Support, or Instructor or Instructor Trainer CPR certification through the Heart Association or the Red Cross will be awarded 6 CE credits.

AGENCY NOTE: Illinois is currently approved as meeting ARRT CE criteria. As such, technologists accredited by the Agency may count all Agency approved CE activities as Category A.

3) Individual courses may be applicable to more than one category of

accreditation.

- 4) All technologists accredited by the Agency are required to maintain proof of participation in CE activities. This proof may be in the form of a certificate or an itemized list from an ARRT approved record keeping mechanism. All documentation shall include:
 - A) Name of participant;
 - B) Dates of attendance;
 - C) Title and content of the activity;
 - D) Number of contact hours for the activity;
 - E) Name of the sponsor;
 - F) Signature of the instructor or an authorized representative of the sponsor issuing the documentation; and
 - G) A reference number if the activity has been approved by an RCEEM or the Agency.
 - 5) Technologists seeking renewal will be required to attest that they have acquired the required number of CE credits. Within 30 days after receipt of this attestation, the Agency may perform an audit in which the individual will be asked to provide copies of documentation of CE. Failure to respond to the Agency's audit request and/or failure to provide acceptable documentation may result in a refusal to renew accreditation as provided in Section 401.120(a)(13).
 - 6) Technologists who are registered with ARRT, NMTCB, or CBRPA and who are in compliance with CE requirements or on CE probation at the time of renewal with the Agency will be considered in compliance with the CE requirements of this Part.
- c) Nonrenewal of Accreditation
- 1) The Agency shall not renew an individual's accreditation if he/she fails to present satisfactory evidence that he/she possesses the necessary qualifications for accreditation, and that he/she has participated in an approved continuing education program in accordance with this Part.

- 2) If the Agency does not find satisfactory evidence that the individual meets these requirements, the Agency shall, within 90 days after receipt of the application for renewal of accreditation or the expiration date of the current accreditation, whichever is later, send the individual a Notice of Intent Not to Renew Accreditation. This notice shall include the areas of deficiency and the individual's rights as set forth in this Section.
- 3) The individual, at any time while an application is pending, may submit additional information to the Agency in order to establish that the identified areas of deficiency have been met or corrected.
- 4) If the applicant does not provide additional information to the Agency within the time frame specified in the Notice of Intent Not to Renew Accreditation, the Agency shall issue a Notice of Accreditation Denied.
- 5) An individual's current credential shall be invalid as of the date of his/her receipt of a Notice of Accreditation Denied pursuant to subsection (c)(4). After the Agency has sent the Notice of Accreditation Denied, the individual may request a hearing within 30 days in accordance with 32 Ill. Adm. Code 200.70.
- 6) If an individual's accreditation is not renewed, he/she shall have the right at any time to submit an application for renewal of accreditation. The application shall be reviewed and processed in accordance with the requirements of this Section, except that an individual may not legally apply ionizing radiation to human beings until and unless the Agency has acted to grant the application for renewal of accreditation.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.150 Reciprocity (Repealed)

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.160 Additional Requirements for Radiographers Performing Mammography (Repealed)

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.170 Civil Penalties

- a) The Agency shall assess civil penalties, in accordance with subsections (c) and (d), against any person who performs, and against the operator of the radiation installation where a person performs, medical radiation procedures without valid accreditation, unless the person performing the medical radiation procedures is specifically exempt from the accreditation requirements as specified in Section 401.30.
- b) Prior to assessing civil penalties, the Agency shall confirm the violation of the accreditation requirements by:
 - 1) Observation of the violation;
 - 2) Obtaining records, documents or other physical evidence;
 - 3) Obtaining statements from either the employer or the employee that confirm the existence of the violation; or
 - 4) Obtaining statements from third parties, e.g., patients or co-workers, that corroborate the allegation that a violation has occurred.
- c) Civil penalties shall be assessed against persons who perform medical radiation procedures without valid accreditation as follows:
 - 1) First violation by an individual who is fully qualified for accreditation but has failed to apply for initial, or renewal of, accreditation at the time the violation is discovered:
 - A) In violation 30 days or less \$100
 - B) In violation 31 through 90 days \$150
 - C) In violation greater than 90 days \$250
 - 2) First violation by a person who is not qualified for accreditation at the time the violation is discovered is \$500.
 - 3) Second and subsequent violations by an individual, whether qualified or not, shall be assessed civil penalties using the factors set out in 32 Ill. Adm. Code 310.81(c). The Agency may assess a civil penalty not to exceed \$10,000 per violation for each day the violation continues.
 - 4) Any violation involving presentation of falsified accreditation certificates

or any other documents used to meet accreditation qualifications may be assessed civil penalties using the factors set out in 32 Ill. Adm. Code 310.81(c). The Agency may assess a civil penalty not to exceed \$10,000 per violation for each day the violation continues.

- d) Civil penalties shall be assessed against the operators of a radiation installation where an individual performs medical radiation procedures without valid accreditation as follows:
 - 1) First violation by an operator shall be double the fine assessed against the individual performing radiography without accreditation.
 - 2) Second and subsequent violations by an operator shall be assessed a civil penalty using the factors set out in 32 Ill. Adm. Code 310.81(c). The Agency may assess a civil penalty not to exceed \$10,000 per violation for each day the violation continues.
- e) The Agency may commence administrative proceedings for the assessment and collection of civil penalties by sending a Notice of Violation. The Notice shall give the individual/operator of a radiation installation an opportunity to pay the penalty without further action from the Agency.
- f) Failure of an individual/operator of a radiation installation to abate an accreditation violation or to pay the civil penalty as directed shall cause the Agency to issue a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.60.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.APPENDIX A Limited Diagnostic Radiography Procedures by Type of Limited Accreditation

- a) Limited Diagnostic Radiography – Chest
 - Chest: Routine P.A. and Lateral
 - Chest: Lateral Decubitus, Apical Lordotic, Obliques
 - Ribs
- b) Limited Diagnostic Radiography – Extremities
 - Fingers
 - Hand
 - Wrist
 - Forearm
 - Elbow
 - Humerus
 - Shoulder
 - Clavicle
 - Scapula
 - Toes
 - Foot
 - Ankle
 - Lower leg
 - Knee
 - Patella

- Femur
- Hip/Pelvis
- c) Limited Diagnostic Radiography – Spine
 - Cervical Spine
 - Thoracic Spine
 - Lumbar Spine
 - Lumbosacral Spine
 - Sacroiliac Joints
 - Sacrum
 - Coccyx
 - Pelvis
- d) Limited Diagnostic Radiography – Skull and Sinuses
 - Skull
 - Paranasal Sinuses
 - Mandible
 - Facial bones

(Source: Amended at 31 Ill. Reg. 11622, effective July 26, 2007)

**Section 401.APPENDIX B Example Topics Directly Related to Radiologic Sciences
(Repealed)**

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

**Section 401.APPENDIX C Minimum Training Requirements for Radiographers
Performing Mammography (Repealed)**

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.APPENDIX D Example Letter of Agreement for Radiologist Assistant

Technologist Accreditation Program
Illinois Emergency Management Agency
1035 Outer Park Dr.
Springfield IL 62704

Re: (Name of Applicant)

To whom it may concern:

This letter is to serve as acknowledgement that (Name of Applicant) will be employed by (Name of Radiology Group or Facility) under my supervision. (Name of Applicant) will, as a radiologist assistant, perform a variety of activities in the areas of patient care, patient management, clinical imaging and interventional procedures. It is also recognized that (he/she) may not interpret images, make diagnosis or prescribe medications or therapies.

I am a radiologist, licensed by the State of Illinois as a physician, and certified by the American Board of Radiology or the American Osteopathic Board of Radiology (select the appropriate Board).

Sincerely,

Physician's Name (Typed)

(Source: Added at 37 Ill. Reg. 14008, effective August 22, 2013)

Section 401.APPENDIX E Example Letter of Agreement for Nuclear Medicine Advanced Associate

Technologist Accreditation Program
Illinois Emergency Management Agency
1035 Outer Park Dr.
Springfield IL 62704

Re: (Name of Applicant)

To whom it may concern:

This letter is to serve as acknowledgement that (Name of Applicant) will be employed by (Name of Radiology Group or Facility) under my supervision. (Name of Applicant) will, as a nuclear medicine advanced associate, perform a variety of activities in the areas of patient care, patient management, clinical imaging and interventional procedures. It is also recognized that (he/she) may not interpret images, make diagnosis or prescribe medications or therapies.

I am a physician, licensed by the State of Illinois, whose name appears as an authorized user on Radioactive Materials License (License Number) issued by the Illinois Emergency Management Agency.

Sincerely,

Physician's Name (Typed)

(Source: Added at 37 Ill. Reg. 14008, effective August 22, 2013)

CHAPTER 42
PERMIT TO OPERATE IONIZING RADIATION PRODUCING MACHINES
OR ADMINISTER RADIOACTIVE MATERIALS

641—42.1(136C) Purpose. The purpose of this chapter is to specify the permit requirements of individuals who operate or use ionizing radiation producing machines or administer radioactive materials on or to human patients or human research subjects for diagnostic or therapeutic purposes. This chapter establishes minimum formal education standards and examination, continuing education, and disciplinary procedures.

[ARC 0577C, IAB 2/6/13, effective 3/13/13]

641—42.2(136C) Definitions.

“*ARRT*” means the American Registry of Radiologic Technologists.

“*Authorized user*” means an Iowa-licensed physician identified on a specific radioactive materials license or a license of broad scope as defined in 641—subrule 41.2(2).

“*Body composition scan*” means the use of a low dose X-ray to generate images of a color-coded body map.

“*Bone densitometry*” means the art and science of applying ionizing radiation to the human body using a dual energy X-ray absorptiometry unit for the sole purpose of measuring bone density.

“*Category*” defines specific duties allowed in the limited radiologic technologist permit classification.

“*Classification*” means a specific class of permit that allows the permit holder to perform the duties specified for that permit class.

“*Computed tomography*” or “*CT*” means a technique for generating a series of X-ray images taken from different angles and processed with computer software.

1. “Diagnostic computed tomography” means the use of computed tomography to create cross-sectional images of the human body to be used for diagnosis.

2. “Attenuation correction” means the use of X-rays from a CT scan to construct an attenuation map of density differences throughout the body that can then be used to correct for the absorption of the photons emitted from Fluorodeoxyglucose (¹⁸F) decay during a PET/CT scan.

“*Continuing education activity*” means a learning activity that is recognized as continuing education by the ARRT or NMTCB.

“*Department*” means the Iowa department of public health.

“*Expiration date*” means 11:59 p.m. on the stated date.

“*Formal education*” means a course of classroom and clinical instruction which meets the training standards set by the department.

“*Ionizing radiation producing machine*” or “*radiation machine*” means an assemblage of components for the controlled production of X-rays. An ionizing radiation producing machine includes minimally an X-ray high-voltage generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system.

“*NMTCB*” means Nuclear Medicine Technology Certification Board.

“*Nuclear medicine diagnostic computed tomography endorsement*” means a qualification that allows a nuclear medicine technologist to perform diagnostic computed tomography of the human body as ordered by an individual authorized by Iowa law to order radiography.

“*Nuclear medicine procedure*” means any procedure utilizing radiopharmaceuticals for diagnosis or treatment of disease in human beings and any duties performed by the technologist during sealed source procedures, and includes, but is not limited to:

1. Administration of any radiopharmaceutical to human beings for diagnostic purposes.
2. Administration of radioactive material to human beings for therapeutic purposes.
3. Use of radioactive material for diagnostic purposes involving transmission or excitation.
4. Quality control and quality assurance.

“Nuclear medicine technologist” means an individual who performs nuclear medicine procedures while under the supervision of an authorized user. The classifications are as follows:

1. “General nuclear medicine technologist” performs any nuclear medicine procedures and may perform computed tomography for attenuation correction during PET/CT or SPECT/CT only.
2. “Limited nuclear medicine technologist” performs nuclear medicine procedures only as approved by the department at the time the initial permit was issued.

“Permit” means the document issued to an individual by the department when the individual has met the requirements of this chapter. This document authorizes the individual to perform the duties allowed for the classification of permit issued.

“PET/CT” means an imaging modality that uses positron emission tomography and computed tomography in one device to combine the structural anatomic information with functional data collected during the examination.

“Radiation therapist” means an individual who performs radiation therapy under the supervision of a radiation oncologist licensed in Iowa.

“Radiation therapy” means the science and art of performing simulation radiography or applying ionizing radiation emitted from X-ray machines, particle accelerators, or radioactive materials in the form of sealed sources to human beings for therapeutic purposes.

“Radiography” means a technique for generating and recording an X-ray pattern for the purpose of providing the user with an image(s) during or after termination of the exposure.

“Radiologic technologist” means an individual, excluding X-ray equipment operators, who performs radiography of the human body as ordered by an individual authorized by Iowa law to order radiography. The classifications are as follows:

1. “General radiologic technologist” performs radiography and computed tomography of any part of the human body.
2. “Limited radiologic technologist” performs radiography for the chest, spine, extremities, shoulder or pediatrics, excluding computed tomography and fluoroscopy.
3. “Limited in-hospital radiologic technologist” performs radiography of any part of the human body as approved by the department at the time the initial permit was issued.

“Radiologist assistant” means an advanced-level radiologic technologist who has completed the necessary requirements in order to perform procedures as outlined in ARRT guidance while under supervision of a radiologist.

“SPECT/CT” means an imaging modality that uses single-photon emission computed tomography and computed tomography in one device to combine the structural anatomic information with functional data collected during the examination.

“Student” means an individual enrolled in and participating in formal education.

“Therapeutic” means a medical treatment using radiation for therapy purposes.

“X-ray equipment operator” means an individual performing radiography of the human body using dedicated equipment as ordered by an individual authorized by Iowa law to order radiography. These individuals do not qualify for a permit in any other classification. The classifications are as follows:

1. “Podiatric X-ray equipment operator” performs radiography of only the foot and ankle using dedicated podiatric equipment. Studies using computed tomography, fluoroscopy, or nondedicated equipment are prohibited.
2. “Bone densitometry equipment operator” performs bone densitometry using only dual energy X-ray absorptiometry equipment. Studies using computed tomography, fluoroscopy, or nondedicated equipment are prohibited.

[ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 3239C, IAB 8/2/17, effective 9/6/17; ARC 5683C, IAB 6/16/21, effective 7/21/21]

641—42.3(136C) Exemptions.

42.3(1) The following are exempt from obtaining a permit as required by this chapter:

- a. A licensed physician.
- b. A licensed physician assistant.
- c. A licensed chiropractor.

- d. A licensed dentist.
- e. A licensed dental hygienist.
- f. A licensed podiatrist.
- g. An individual certified by the dental board in dental radiography.
- h. A student as a part of the student's formal education.

42.3(2) The department may, upon application or upon its own initiative, grant such exemptions from the requirements of this chapter as it determines are authorized by law and will not result in undue hazard to public health and safety. Application for exemptions should be made in accordance with 641—Chapter 178.

[ARC 0577C, IAB 2/6/13, effective 3/13/13]

PERMIT APPLICATION AND RENEWAL

641—42.4(136C) Permit application and renewal. An individual shall not operate ionizing radiation producing machines or administer radioactive materials for diagnostic or therapeutic purposes unless the individual possesses a current Iowa permit in the individual's classification of practice.

[ARC 0577C, IAB 2/6/13, effective 3/13/13]

641—42.5(136C) Permit to practice as a general radiologic technologist.

42.5(1) An individual applying for an initial permit shall:

- a. Be at least 18 years of age.
- b. Submit the appropriate completed application.
- c. Submit a nonrefundable \$100 application fee.
- d. Submit proof of a passing score on the ARRT general radiography examination.

42.5(2) An individual renewing a current permit shall:

- a. Renew annually by submitting a renewal application and a nonrefundable \$75 renewal fee.
- b. Report 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

42.5(3) An individual reinstating an expired permit shall submit the following:

- a. Application to reinstate and nonrefundable \$150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 42.5(1).
- b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted.
- c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

[ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 4612C, IAB 8/14/19, effective 9/18/19]

641—42.6(136C) Permit to practice as a general nuclear medicine technologist.

42.6(1) An individual applying for an initial permit shall:

- a. Be at least 18 years of age.
- b. Submit the appropriate completed application.
- c. Submit a nonrefundable \$100 application fee.
- d. Submit proof of a passing score on ARRT's nuclear medicine examination or the NMTCB nuclear medicine examination.

42.6(2) An individual renewing a current permit shall:

- a. Renew annually by submitting a renewal application and a nonrefundable \$75 renewal fee.
- b. Report 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

42.6(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable \$150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 42.6(1).

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

42.6(4) An individual applying for a nuclear medicine diagnostic computed tomography endorsement shall:

a. Maintain an active permit to practice as a general nuclear medicine technologist. Endorsements may not be held without an active permit.

b. Submit proof of a passing score on the ARRT or NMTCB computed tomography examination. [ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 3239C, IAB 8/2/17, effective 9/6/17; ARC 4612C, IAB 8/14/19, effective 9/18/19]

641—42.7(136C) Permit to practice as a radiation therapist.

42.7(1) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

b. Submit the appropriate completed application.

c. Submit a nonrefundable \$100 application fee.

d. Submit proof of a passing score on the ARRT's radiation therapy examination.

42.7(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable \$75 renewal fee.

b. Report 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

42.7(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable \$150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 42.7(1).

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

[ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 4612C, IAB 8/14/19, effective 9/18/19]

641—42.8(136C) Permit to practice as a radiologist assistant.

42.8(1) An individual applying for an initial permit shall:

a. Submit the appropriate completed application.

b. Submit a nonrefundable \$100 application fee.

c. Submit proof of completion of formal education for a radiologist assistant.

d. Submit proof of one year of experience as a general radiologic technologist.

e. Submit proof of passing score on the ARRT radiologist assistant examination or another examination that is recognized by the department.

42.8(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable \$75 renewal fee.

b. Report 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit. Radiologist assistant permit holders must obtain at least one-half of the required continuing education in subject areas specific to radiography. The remainder may be earned as physician credit hours.

42.8(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable \$150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 42.8(1).

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 50.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

[ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 4612C, IAB 8/14/19, effective 9/18/19]

641—42.9(136C) Permit to practice as a limited radiologic technologist with categories of chest, spine, extremities, shoulder, pediatric. An individual with a limited radiologic technologist permit shall perform radiography only within the scope of the category(ies) in which the permit is issued.

42.9(1) The scope of each category is defined as follows:

a. “Chest” allows the permit holder to perform radiography of the lung fields including the cardiac shadow, as taught in the limited radiography formal education standards. Chest radiograph techniques shall not be manipulated for the evaluation of the shoulder, clavicle, scapula, ribs, thoracic spine and sternum. Limited radiologic technologists who have completed the appropriate formal education after January 1, 2009, may perform lateral decubitus chest views.

b. “Extremities” allows the permit holder to perform radiography for body parts from:

(1) The distal phalanges of the foot to the head of the femur, including its articulation with the pelvic girdle. True hip radiographs are prohibited.

(2) The distal phalanges of the hand to the head of the humerus. These projections may include the acromioclavicular or glenoid-humeral areas. The radiograph shall not include any of the views in the shoulder category unless the individual holds a limited radiologic technologist permit that includes the shoulder category.

c. “Spine” allows the permit holder to perform radiography of the spine in the approved areas only. Approved areas and limitations are described as:

(1) Cervical vertebrae.

(2) Thoracic (dorsal) vertebrae.

(3) Lumbar vertebrae to include the articulations with the sacrum and coccyx and the sacral articulation with the pelvic girdle. True pelvis radiographs or other projections performed with the image receptor positioned perpendicular to the long axis of the torso are prohibited under this category.

(4) All projections shall be performed as taught in the limited radiologic technologist formal education standards.

d. “Shoulder” allows the permit holder to perform radiography of the shoulder in the approved projections only. Approved projections and limitations are described as:

(1) AP internal and external rotation.

(2) AP neutral.

(3) Transthoracic lateral views.

(4) Scapular “Y” lateral.

(5) The image may not include the proximal end of the clavicle on any AP projection. All other shoulder views are prohibited. The permit holder must hold a limited radiologic technologist permit with a category of either chest or extremity in order to be granted the shoulder category.

e. “Pediatric” allows the permit holder to perform radiography of either chest or extremities or both as defined in paragraphs 42.9(1) “a” and “b” above for patients aged 36 months and under. The permit holder must hold a limited radiologic technologist permit with the minimum categories of chest or extremities or both in order to qualify for pediatric radiography. This designation allows permit holders to perform pediatric radiography within the permit classifications listed on their permit only. All other projections on pediatric patients by limited radiologic technologists are prohibited.

42.9(2) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

- b. Submit the appropriate completed application.
- c. Submit a nonrefundable \$100 application fee.
- d. Submit proof of completion of formal education in all limited diagnostic radiography categories for which the individual is applying. In order to apply for the shoulder category, the individual must also apply for the chest or extremity category. In order to apply for the pediatric category, the individual must also apply for the chest or extremity category. Each individual making application to attend a formal education course provided by the department to fulfill the requirements of 42.9(2)“d” must submit an application and nonrefundable fee of \$200 to the department each time the individual attends a course.
- e. Submit proof of completion of testing as applicable for each permit category for which the individual is applying on the limited radiologic technologist permit. No examination is required for the categories of shoulder or pediatric.

(1) The following are passing scores:

- 1. A score of at least 70 percent on the ARRT limited scope of practice in radiography examination core section and at least 70 percent on each category; or
- 2. A score of at least 70 percent on the American Chiropractic Registry of Radiologic Technologists Limited Radiography examination; or
- 3. A score of at least 70 percent on a department-approved examination.

(2) Three failed attempts on the examination in 42.9(2)“e”(1)“1” or “3” will require the individual to repeat the formal education or complete a department-approved review program.

(3) Each individual making application to take an examination as a limited radiologic technologist in 42.9(2)“e”(1)“1” or “3” must submit an application to the department each time the individual takes the examination. The individual must also submit the examination fee directly to the ARRT each time the individual takes the examination.

f. Submit proof of completion of formal education and examination in the category to be added and a nonrefundable \$40 amendment fee to add chest, extremity or spine category to an existing limited radiologic technologist permit. A score of at least 70 percent on each category is required.

g. Submit proof of completion of formal education and a nonrefundable \$40 amendment fee to add shoulder or pediatric category to an existing limited radiologic technologist permit. No examination is required.

42.9(3) An individual renewing a current permit shall:

- a. Renew annually by submitting a renewal application and a nonrefundable \$75 renewal fee.
- b. Report 12.0 hours of continuing education obtained within the biennium indicated on the individual’s permit.

42.9(4) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable \$150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of rule 641—42.9(136C).

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 12.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

[ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 1931C, IAB 4/1/15, effective 5/6/15; ARC 4612C, IAB 8/14/19, effective 9/18/19; ARC 6436C, IAB 8/10/22, effective 9/14/22]

641—42.10(136C) Permit to practice as an X-ray equipment operator in either podiatric radiography or bone densitometry (dual energy X-ray absorptiometry). After January 1, 2015, all individuals performing only bone densitometry or other examinations using DEXA machines must hold a bone densitometry permit.

42.10(1) An individual applying for an initial permit shall:

- a. Be at least 18 years of age.
- b. Submit the completed application.

- c. Submit a nonrefundable \$40 application fee.
- d. Submit proof of completion of formal education that meets the department minimum training standards. Each individual making application to attend an X-ray equipment operator formal education course provided by the department to fulfill the requirement of 42.10(1) “d” must submit an application and nonrefundable fee of \$150 to the department each time the individual attends the course.
- e. Submit proof of at least a 70 percent score on a department-approved examination.
 - (1) Three failed attempts on the examination in 42.10(1) “e” will require the individual to repeat the formal education or complete a department-approved review program.
 - (2) Each individual making application to take an examination as an X-ray equipment operator to meet the requirements of 42.10(1) “e” must submit an application and nonrefundable fee of \$100 to the department each time the individual takes the examination.

42.10(2) An individual renewing a current permit shall:

- a. Renew annually by submitting a renewal application and a nonrefundable \$40 renewal fee.
- b. Report 4.0 hours of continuing education obtained within the biennium indicated on the individual’s permit.

42.10(3) An individual reinstating an expired permit shall submit the following:

- a. Application to reinstate and nonrefundable \$75 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 42.10(1).
- b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 4.0 hours of continuing education obtained within the previous 24 months must be submitted.
- c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

[ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 4612C, IAB 8/14/19, effective 9/18/19; ARC 5683C, IAB 6/16/21, effective 7/21/21]

641—42.11 Reserved.

641—42.12(136C) Closed classification or category permits.

42.12(1) The following classifications or categories are closed to new applicants. Permits in the following classifications or categories that are expired for more than six months are not eligible to be reinstated, and individuals shall maintain current permits as outlined below:

- a. Limited in-hospital radiologic technologist shall:
 - (1) Perform diagnostic radiography procedures, excluding CT and fluoroscopy, in a hospital setting only for specific body parts for which the individual is qualified.
 - (2) Renew annually by submitting a renewal application and a nonrefundable \$75 renewal fee.
 - (3) Report 24.0 hours of continuing education obtained within the biennium indicated on the individual’s permit.
- b. Limited nuclear medicine technologist shall:
 - (1) Perform nuclear medicine procedures for which the individual is qualified and has been authorized by the department.
 - (2) Renew annually by submitting a renewal application and a nonrefundable \$75 renewal fee.
 - (3) Report 12.0 hours of continuing education obtained within the biennium indicated on the individual’s permit.
- c. Limited radiologic technologist paranasal sinus shall:
 - (1) Perform diagnostic radiography procedures, excluding CT and fluoroscopy, specific to paranasal sinus.
 - (2) Renew annually by submitting a renewal application and a nonrefundable \$75 renewal fee.
 - (3) Report 6.0 hours of continuing education obtained within the biennium indicated on the individual’s permit.

42.12(2) An individual renewing a permit expired less than six months shall submit the following:

- a. Application to reinstate and nonrefundable \$150 application fee.

- b. Any continuing education hours due at time of renewal.
- c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

[ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 4612C, IAB 8/14/19, effective 9/18/19]

641—42.13(136C) Combining permits for an individual qualifying for permits in more than one classification.

42.13(1) An individual applying for an initial permit in more than one classification at the same time shall combine classifications on one permit by:

- a. Indicating each classification on the appropriate completed application;
- b. Submitting the required documentation for each classification as outlined in each classification section; and
- c. Submitting a nonrefundable \$150 application fee.

42.13(2) Permit holders shall add a classification to an existing permit by:

- a. Completing the appropriate application;
- b. Submitting the required documentation as outlined in the section specific to the classification to be added; and
- c. Submitting a nonrefundable \$40 fee.

42.13(3) An individual renewing a combined classification permit must submit the appropriately completed renewal application and submit a nonrefundable \$110 renewal fee.

42.13(4) An individual shall submit a total of 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit. If the permit includes the radiologist assistant classification, then the individual must submit a total of 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

42.13(5) An individual reinstating an expired permit shall submit the following:

- a. Application to reinstate and a nonrefundable \$150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 42.7(1).

- b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted. If the permit includes the radiologist assistant classification, then the individual must submit a total of 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

- c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

[ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 4612C, IAB 8/14/19, effective 9/18/19; ARC 5683C, IAB 6/16/21, effective 7/21/21]

641—42.14 to 42.17 Reserved.

PERMIT HOLDER SUBMISSION OF CONTINUING EDUCATION

641—42.18(136C) Submission of proof of completion of continuing education by permit holder to meet continuing education requirements to renew or reinstate a permit.

42.18(1) A permit holder who has a current ARRT or NMTCB registration that has been renewed within 60 days prior to the submission of the permit renewal application required by these rules shall be credited the number of hours recognized by the ARRT or NMTCB registration, or

42.18(2) A permit holder must submit proof of completion of continuing education activities recognized by ARRT or NMTCB.

- a. Acceptable proof of completion must be documentation signed and dated by the continuing education provider that includes the participant's name, title of the activity, approval number for the activity, dates of attendance, number of contact hours for the activity, name of the approving organization, and signature of the sponsor or instructor or authorized representative of the sponsor or instructor.

b. Continuing education activities may not be repeated for credit in the same biennium but may be repeated across different biennia.

42.18(3) Podiatric X-ray equipment operator permit holders may submit activities as described in 42.18(2) or may submit activities sponsored by the American Podiatric Medical Association or the Iowa Podiatric Medical Society.

a. Acceptable proof of completion must be documentation signed and dated by the continuing education provider that includes the participant's name, title of the activity, approval number for the activity, dates of attendance, number of contact hours for the activity, the name of the approving organization, and signature of the sponsor or instructor or authorized representative of the sponsor or instructor.

b. Continuing education activities that are lecture presentations may not be repeated for credit in the same biennium.

c. All continuing education activities that are not lecture presentations may not be repeated for credit in the same or any subsequent biennium.

[ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 6436C, IAB 8/10/22, effective 9/14/22]

641—42.19 and 42.20 Reserved.

ADMINISTRATIVE ITEMS AND GROUNDS FOR DISCIPLINARY ACTION

641—42.21(136C) Administrative items.

42.21(1) A nonrefundable \$25 fee shall be assessed for each check returned for any reason. All fees for returned checks plus original fees must be paid by certified bank check or money order.

42.21(2) A permit is valid from the date of issuance until the expiration date, unless otherwise revoked or suspended.

42.21(3) The department may at any time require further documentation to ensure compliance with these rules.

42.21(4) The permit holder shall make the permit available at the individual's place of employment. If the permit holder works at more than one facility, a duplicate of the permit shall be kept at each facility.

42.21(5) The permit holder must maintain proof of continuing education for at least three years.

42.21(6) Continuing education obtained to satisfy disciplinary or enforcement action or as part of a corrective action plan may not be reported to meet continuing education requirements.

42.21(7) All permit holders are subject to a department audit at any time.

[ARC 0577C, IAB 2/6/13, effective 3/13/13]

641—42.22(136C) Rules of conduct, self-reporting requirements, and enforcement actions for all permit holders or applicants.

42.22(1) Rules of conduct. These are mandatory standards of minimally acceptable professional conduct intended to promote the protection, safety, and comfort of patients. Any individual who fails to meet or allows any other individual to fail to meet the following standards may be subject to enforcement actions as outlined in subrule 42.22(3). The following shall be grounds for disciplinary action:

a. Failing to perform with reasonable skill and safety all procedures accepted under this chapter's educational guidelines and allowed under the individual's permit.

b. Operating as a permitted individual without meeting the applicable requirements of this chapter. This includes performing procedures not allowed under the individual's current permit.

c. Failing to report immediately to the department any individual who may be operating as a permit holder and who does not meet the requirements of this chapter.

d. Engaging in any practice that results in unnecessary danger to a patient's life, health, or safety. This includes delegating or accepting the delegation of any function when the delegation or acceptance could cause unnecessary danger.

e. Engaging in any action that the department determines may jeopardize the health and safety of the public, other staff or the permit holder. These actions shall include but not be limited to:

(1) A misdemeanor or felony which may impair or limit the individual's ability to perform the duties authorized by the individual's permit.

(2) Any disciplinary action brought against the individual in connection with a certificate or license issued from a certifying or licensing entity.

(3) Being found guilty of incompetence or negligence during the individual's performance as a permit holder.

f. Failing to conform to applicable state and federal statutes and rules. This includes any action that might place a facility in noncompliance with Iowa statutes and rules.

g. Practicing when there is an actual or potential inability to perform with reasonable skill and safety due to illness, use of alcohol, drugs, chemicals, or any other material, or as the result of any mental or physical condition.

h. Engaging in any unethical conduct or conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient.

i. Revealing privileged communication from or relating to former or current patients except as permitted by law.

j. Improperly managing patient records, including failing to maintain adequate records, failing to furnish records, or making, causing, or allowing anyone to make a false, deceptive, or misleading entry into a patient record.

k. Providing false or misleading information that is directly related to the care of a former or current patient.

l. Interpreting or rendering a diagnosis for a physician based on a diagnostic image or prescribing medications or therapies.

m. Failing to immediately report to a supervisor information concerning an error made in connection with imaging, treating, or caring for a patient. This includes any departure from the normal standard of care and behavior that is negligent.

n. Employing fraud or deceit to obtain, attempt to obtain or renew a permit under this chapter or in connection with a certification or license issued from a certifying or licensing entity. This includes altering documents, failing to provide complete and accurate responses or information, indicating falsely in writing that a permit is valid when that is not the case, or any form of examination subversion.

o. Failure to provide truthful, accurate, unaltered, or nondeceptive information related to continuing education activities to the department or a record keeper.

p. Assisting others to provide false, inaccurate, altered, or deceptive information related to continuing education to this department or a record keeper. This includes sharing answers, providing or using false certificates of participation, or verifying continuing education hours that have not been earned.

q. Failure to pay all fees or costs required to meet the requirements of this chapter. Penalties for working without a current permit will be considered on a case-by-case basis.

r. Failure to respond to an audit request or failure to provide proper documentation.

s. Submitting false information to a facility that might place the facility in noncompliance with any federal or state statutes or laws.

t. Engaging in any conduct that subverts or attempts to subvert a department investigation.

u. Failure to comply with a subpoena issued by the department or failure to cooperate with an investigation by the department.

v. Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order.

w. Sexual harassment of a patient, student or supervisee. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal and physical conduct of a sexual nature.

x. Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual

misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.

y. Having a permit, license or certification related to the classification of the permit issued to the individual suspended or revoked or having other disciplinary action taken by a licensing or certifying authority of this state or another state, territory or country. A copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

z. Failure to respond within 30 days of receipt of communication from the department.

42.22(2) Self-reporting. Each permit holder shall:

a. Submit a report to the department within five days of the final disposition of all criminal proceedings, convictions, or military court-martials involving alcohol or illegal drug use while operating as a permit holder, sex-related infractions, or patient-related infractions in any state, territory, or country.

b. Submit a written report to the department within five days of the initial charge and within five days of the final disposition of any disciplinary action brought against the individual in connection with a certificate or license issued from a certifying or licensing entity, or any disciplinary action brought against the individual by an employer or patient.

c. Report potential ethics violations (including state licensing issues and criminal charges and convictions) within 30 days of the occurrence or during the permit holder's annual renewal process, whichever comes first.

42.22(3) Enforcement actions. Enforcement actions may include, but are not limited to, denial, probation, suspension or revocation of a permit, directed corrective action, and civil penalty.

[ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 5683C, IAB 6/16/21, effective 7/21/21]

641—42.23(136C) Procedures for demand for information, notice of proposed action, and orders for penalties, suspensions, revocations, and civil penalties for all individuals under this chapter. These actions may be imposed on any permit holder who violates any rule in this chapter.

42.23(1) Demand for information.

a. The department may issue a demand for information for the purpose of determining whether any further action shall be taken. The demand shall state the alleged violations and allow the individual 20 days from the date of the letter to file a written answer with the department.

b. The individual must file a written answer to the department. The answer shall specifically admit or deny each allegation or charge made in the demand for information and provide fact and law on which the answer relies, set forth reasons why the demand should not have been issued, and if the requested information is not provided, the reasons why it is not provided.

c. Upon review of the answer, the department may institute the next level of proceeding or consider the matter closed. If no answer is filed, the department shall institute the notice of proposed action.

42.23(2) Procedures for enforcement actions.

a. *Notice of proposed action.*

(1) In response to an alleged violation of any provision of the Iowa Code, these rules, or any order issued by the department, the department may issue a written notice of proposed action. The notice of proposed action shall concisely state the alleged violation(s), the action the department is proposing, the time period in which a written response must be received, and the process for requesting a hearing.

(2) A written response must state any facts, explanations, or arguments denying the violations or must demonstrate any extenuating circumstances, error in the notice, or other reason why the proposed action should not be imposed. Responses may also request remission or mitigation of any penalty.

(3) If a request for a hearing is received within the allotted time period, the proposed action shall be suspended pending the outcome of the hearing. Prior to or at the hearing, the department may rescind the notice of proposed action upon satisfaction that the reason for the proposed action has been resolved.

(4) If no answer is filed, the department shall institute the order.

b. *Order.* An order may be issued upon response to the notice of proposed action or if no answer to the notice has been filed. The order may institute a proceeding to impose a penalty or suspend, revoke, or place on probation the individual's permit, or issue a civil penalty. An order shall concisely state the violation(s), the action the department has imposed, the effective date of the order, the time period for

written response to be received by the department, and the process for requesting a hearing. If there has been consent in writing to the notice of proposed action, no written response to the order is necessary.

(1) If a request for a hearing is received within the allotted time period, the proposed action of the order shall be suspended pending the outcome of the hearing. Prior to or at the hearing, the department may rescind the order upon satisfaction that the reason for the proposed action has been resolved.

(2) If no answer is filed, the department shall institute the order. A consent to the order shall constitute a waiver to a hearing, findings of fact and conclusions of law, and of all right to seek department and judicial review or to contest the validity of the order in any form as to those matters which have been consented to or agreed to or on which a hearing has not been requested. An order that has been consented to shall have the same force and effect as an order made after hearing by a presiding officer or the department and shall be effective as provided in the order. Failure to comply with an order either consented to or validated by a hearing officer shall result in further enforcement action.

c. Civil penalty. Before instituting any proceeding to impose a civil penalty, the department shall serve written notice of violation upon the individual charged. This notice shall be included in the notice of proposed action or order issued. The notice of proposed action or order shall specify the amount of each proposed penalty for each alleged violation. The notice or order shall state that the amount charged may be paid as specified or protested in its entirety or in part. Upon final action of a civil penalty, payment must be made within the specified time stated in the order or the department may refer the matter to the attorney general for collection.

d. Settlement and compromise. At any time after the issuance of a notice or order designating the time and place of hearing in response to an order, the department and the regulated individual may enter into a stipulation for a settlement or compromise of the notice or order. The stipulation of compromise shall be subject to approval by the designated presiding officer or, if none has been designated, by the chief administrative law judge. The presiding officer or chief administrative law judge may order such adjudication of the issued notice or order as deemed to be required in the public interest to dispose of the proceeding. If approved, the terms of the settlement or compromise shall be embodied in a decision or order settling and discontinuing the proceeding.

[ARC 0577C, IAB 2/6/13, effective 3/13/13]

641—42.24 and 42.25 Reserved.

641—42.26(136C) Rescinded **ARC 5683C**, IAB 6/16/21, effective 7/21/21.

641—42.27 to 42.29 Reserved.

FORMAL EDUCATION

641—42.30(136C) Requirements for formal education. Formal education must meet the following minimum requirements:

42.30(1) General radiologic technology formal education must be recognized by the ARRT to allow students to qualify for the general radiography examination.

42.30(2) Nuclear medicine technology formal education must be recognized by the ARRT or NMTCB to allow students to qualify for the nuclear medicine technology examination.

42.30(3) Radiation therapy formal education must be recognized by the ARRT to allow students to qualify for the radiation therapy examination.

42.30(4) Radiologist assistant formal education must provide training to allow students to qualify for a department-approved radiologist assistant examination.

42.30(5) Limited radiologic technologist formal education must meet the minimum standards specified in 641—42.31(136C).

42.30(6) X-ray equipment operator formal education must meet the minimum standards as outlined in 641—42.32(136C) or 641—42.33(136C).

[ARC 0577C, IAB 2/6/13, effective 3/13/13]

641—42.31(136C) Standards for formal education for limited radiologic technologists.

42.31(1) The formal education may be a single offering that meets all standards of all categories, or it may be offered individually specific to the category the provider wishes to offer.

42.31(2) The following are the minimum standards:

a. A principal instructor shall:

- (1) Be an Iowa-licensed chiropractor teaching spine and extremities categories only; or
- (2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography; or
- (3) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

b. A clinical instructor shall:

- (1) Be an Iowa-licensed chiropractor teaching spine and extremities categories only; or
- (2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography; or
- (3) Be an Iowa-permitted limited radiologic technologist in the category of instruction and have at least two years of current experience in radiography; or
- (4) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor may also act as clinical instructor, if applicable.

e. Classroom and clinical standards are listed below:

Category	Classroom Hours	Clinical Practice Projections	Clinical Competency Projections
Core: completed by all trainees	60		
Chest	20	30 PA or LAT	5 PA, 5 LAT
Upper extremity	20	30 (any projections)	10 (only 2 of any projection allowed)
Lower extremity	20	30 (any projections)	10 (only 2 of any projection allowed)
Shoulder	20	20 (any projections)	6 (only 2 of any projection allowed)
Spine	20	30 (any projections)	10 (only 2 of any projection allowed)
Pediatric: add on to chest	8 of initial pediatrics	20 (any projections)	2 PA, 2 LAT
Pediatric: add on to upper extremity	8 of initial pediatrics	20 (any projections)	10 (only 2 of any projection allowed)
Pediatric: add on to lower extremity	8 of initial pediatrics	20 (any projections)	10 (only 2 of any projection allowed)

(1) All competency testing for limited radiography shall be directly supervised by the principal or clinical instructor, can only begin after the classroom hours in a category have been completed, and cannot begin until after the clinical site has been approved by the department using the Initial Clinical Site Form.

(2) Clinical instructors shall directly supervise all students before the student's competency for a specific projection is documented and indirectly supervise after the student's competency for a specific projection is documented.

(3) Current permit holders completing formal education to add a category do not need to repeat the core curriculum.

42.31(3) Department approval is required before implementing any formal education or making any changes to a formal education offering.

42.31(4) Administrative items for all formal education:

a. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

b. The department may at any time require further documentation.

[ARC 0577C, IAB 2/6/13, effective 3/13/13; ARC 5683C, IAB 6/16/21, effective 7/21/21]

641—42.32(136C) Standards for formal education for X-ray equipment operators in podiatric radiography.**42.32(1)** The following are the minimum standards:

a. A principal instructor shall:

- (1) Be an Iowa-licensed podiatrist; or
- (2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography; or
- (3) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

b. A clinical instructor shall:

- (1) Be an Iowa-licensed podiatrist; or
- (2) Be an Iowa-permitted limited radiologic technologist in the category of extremities and have at least two years of current experience in radiography; or
- (3) Be an Iowa-permitted X-ray equipment operator in podiatry and have at least two years of current experience in radiography; or
- (4) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography; or
- (5) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor may also act as clinical instructor, if applicable.

e. The following are classroom and clinical standards:

- (1) A minimum of 8.0 hours of classroom instruction to include radiation safety, equipment operation, patient care, and anatomy.
- (2) Clinical instruction to include positioning and a minimum of 20 projections excluding the competency projections.
- (3) Clinical competency projections shall include 10 projections with only 2 of any single projection allowed to count toward the competency projections.
- (4) All competency testing shall be directly supervised by the principal or clinical instructor.
- (5) Clinical instructors shall directly supervise all students before the student's competency for the specific projection is documented and indirectly supervise after the student's competency for the specific projection is documented.

42.32(2) Department approval is required before implementing any formal education or making any changes to a formal education offering.

42.32(3) Administrative items for all formal education:

a. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

b. The department may at any time require further documentation.

[ARC 0577C, IAB 2/6/13, effective 3/13/13]

641—42.33(136C) Standards for formal education for X-ray equipment operators in bone densitometry.**42.33(1)** The following are the minimum standards:

a. A principal instructor shall have at least two years of current experience in radiography and bone densitometry and shall:

- (1) Be an Iowa-permitted general radiologic technologist; or
- (2) Hold a current ARRT registration if the clinical site is located outside of Iowa.

b. A clinical instructor shall have at least two years of current experience in radiography and bone densitometry and shall:

- (1) Be an Iowa-permitted limited radiologic technologist; or
- (2) Be an Iowa-permitted X-ray equipment operator in bone densitometry; or
- (3) Be an Iowa-permitted general radiologic technologist; or
- (4) Hold a current ARRT registration if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor shall also act as clinical instructor, if applicable.

e. The following are classroom and clinical standards:

(1) A minimum of 8.0 hours of classroom instruction to include radiation safety, equipment operation, quality control, patient care, and anatomy.

(2) Clinical instruction to include positioning and a minimum of 10 projections excluding the competency projections.

(3) Clinical competency projections shall include 5 projections.

(4) All competency testing shall be directly supervised by the principal or clinical instructor.

(5) Clinical instructors shall directly supervise all students before the student's competency for the specific projection is documented and indirectly supervise after the student's competency for the specific projection is documented.

42.33(2) Department approval is required before implementing any formal education or making any changes to a formal education offering.

42.33(3) Administrative items for all formal education:

a. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

b. The department may at any time require further documentation.

[ARC 0577C, IAB 2/6/13, effective 3/13/13]

These rules are intended to implement Iowa Code sections 136C.3, 136C.4, 136C.5, 136C.10, and 136C.14.

[Filed 8/28/81, Notice 3/18/81—published 9/16/81, effective 7/1/82]¹

[Filed 11/19/82, Notice 10/13/82—published 12/8/82, effective 1/12/83]²

[Filed 11/24/86, Notice 10/8/86—published 12/17/86, effective 1/21/87]

[Filed 11/6/87, Notice 9/23/87—published 12/2/87, effective 1/6/88]

[Filed 5/8/92, Notice 4/1/92—published 5/27/92, effective 7/1/92]⁰

[Filed 9/14/92, Notice 8/5/92—published 9/30/92, effective 11/4/92]

[Filed 5/15/95, Notice 3/29/95—published 6/7/95, effective 7/12/95]

[Filed 1/11/96, Notice 10/11/95—published 1/31/96, effective 3/6/96]

[Filed 9/16/96, Notice 7/17/96—published 10/9/96, effective 11/16/96]

[Filed 3/18/98, Notice 1/14/98—published 4/8/98, effective 7/1/98]

[Filed 4/2/99, Notice 1/13/99—published 4/21/99, effective 7/1/99]

[Filed 6/25/99, Notice 5/5/99—published 7/14/99, effective 9/15/99]

[Filed 3/15/00, Notice 1/26/00—published 4/5/00, effective 5/10/00]

[Filed 3/16/01, Notice 2/7/01—published 4/4/01, effective 5/9/01]

[Filed 5/10/01, Notice 4/4/01—published 5/30/01, effective 7/4/01]

[Filed 3/14/02, Notice 2/6/02—published 4/3/02, effective 5/8/02]

[Filed 3/14/03, Notice 2/5/03—published 4/2/03, effective 5/7/03]

[Filed 3/12/04, Notice 2/4/04—published 3/31/04, effective 5/5/04]

[Filed 3/11/05, Notice 2/2/05—published 3/30/05, effective 5/4/05]

[Filed 3/9/06, Notice 2/1/06—published 3/29/06, effective 5/3/06]

[Filed 5/12/06, Notice 3/29/06—published 6/7/06, effective 7/12/06]

[Filed 3/16/07, Notice 1/31/07—published 4/11/07, effective 5/16/07]

[Filed 7/13/07, Notice 6/6/07—published 8/1/07, effective 9/5/07]

[Filed 5/14/08, Notice 4/9/08—published 6/4/08, effective 7/9/08]

[Filed ARC 0577C (Notice ARC 0381C, IAB 10/3/12), IAB 2/6/13, effective 3/13/13]

[Filed ARC 1931C (Notice ARC 1841C, IAB 1/21/15), IAB 4/1/15, effective 5/6/15]
[Filed ARC 3239C (Notice ARC 3074C, IAB 5/24/17), IAB 8/2/17, effective 9/6/17]
[Filed ARC 4612C (Notice ARC 4446C, IAB 5/22/19), IAB 8/14/19, effective 9/18/19]
[Filed ARC 5683C (Notice ARC 5520C, IAB 3/24/21), IAB 6/16/21, effective 7/21/21]
[Filed ARC 6436C (Notice ARC 6325C, IAB 5/18/22), IAB 8/10/22, effective 9/14/22]

⁰ Two or more ARCs

¹ Effective date of Ch 42 delayed 70 days by the administrative rules review committee. [Published IAC 6/23/82]
Effective date of Ch 42 delayed by the Administrative Rules Review Committee forty-five days after convening of the next General Assembly pursuant to §17A.8(9). [IAB 9/29/82]

² Subrule 42.1(4) “b”(4) is rescinded two years subsequent to the effective date of rule 42.1(136C).

Potential New Scope Statement

It is up to the Board if you would like to address the public comment from last meeting regarding the Nuclear Medicine Technologist Certification Board's CT Certification.

If the Board is interested, I can read more of what the public comment was saying, and we can open up this topic for discussion. I have the full text of the public comment if any Board members are interested in seeing the whole thing.

Keep in mind that we can only discuss this in terms of: do we want to open a scope statement to look at this issue? We can't discuss any actual rule drafting language until we have a scope statement implemented.