

West Virginia Radiologic Technology
Board of Examiners

MEDICAL ARTS BUILDING
ROOM 514
1021 QUARRIER STREET
CHARLESTON, WV 25301
PHONE: 348-0662

October 11, 1983

RECEIVED

OCT 13 1983

ATTY. GEN. OFFICE

Bill Harrington
Secretary of State Office
W-157
State Capitol Building
Charleston, West Virginia 25305

*Expired emergency
rule. Good for 120 days*

RE: Emergency Filing of the Board of Examiners of Radiologic Technology
Rules and Regulations

Dear Mr. Harrington:

I am requesting you at this time to invoke the emergency filing provision of the W. Va code § 29a-3-14. The circumstance mandating this emergency request for filing of the Boards Rules and Regulations are that said Rules and Regulations are necessary to protect the public from excessive and improper exposure to ionizing radiation during medical radiography by setting minimum standards of education, training and experience for radiologic technologist, and to prescribe means for assuring that the standards are met.

The procedures to promulgate permanent Rules and Regulations to cover medical radiography, via the (rule making) § 29a-2, are now being implemented.

Please make these temporary Rules and Regulations effective immediately.

Sincerely,

Beattie L. DeBord

Beattie DeBord, Chairman

BD/kjs

cc: Fred Wilkerson
Assistant Attorney General

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE Oct. 17, 1983
Administrative Law Division

*Obsolete
see pg. 9. Filed
5-23-84*

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RULES AND REGULATIONS OF THE WEST VIRGINIA BOARD OF
EXAMINERS OF RADIOLOGIC TECHNOLOGISTS

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FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE 10/17/83

Administrative Law Division

RULES AND REGULATIONS OF THE WEST VIRGINIA BOARD OF
EXAMINERS OF RADIOLOGIC TECHNOLOGISTS

Section 1. General Provisions

1.1. Purpose - These regulations establish the general rules for licensure of radiologic technologists in West Virginia.

1.2. Authority - These regulations are issued under authority of Chapter 30, Article 23, of the West Virginia Code of 1931, as amended.

1.3. Scope - Except as otherwise specifically provided, these regulations apply to all persons in West Virginia who apply Xrays or assist in the application of Xrays to human beings for diagnostic or therapeutic purposes under the supervision of a licensed practitioner.

1.4. Filing Date - These regulations are promulgated on the ____ day of _____, 19____, and filed on the _____, day of _____, 19____, in the Secretary of State's Office.

1.5. Effective Date - These regulations were promulgated on June 1, 1978, and become effective _____.

1.6. Definitions - As used in these regulations:

(a) "Board" means the West Virginia Radiologic Technology Board of Examiners.

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THIS DATE 10/17/83
Administrative Law Division

(b) "License" means a license granted and issued by the Board for the practice of radiologic technology.

(c) "Licensed practitioner" means a person licensed to practice medicine, chiropractic, podiatry, osteopathy, or dentistry.

(d) "Radiologic technologist" means a person, other than a licensed practitioner, who applies Xrays or assists in the application of Xrays to human beings for diagnostic or therapeutic purposes under the supervision of a licensed practitioner.

(e) "Reciprocity" means the granting of a license or temporary permit to persons who hold a license or certificate in another state.

(f) "Supervision" means responsibility for and control of quality, radiation safety and technical aspects in the application of x-radiation to human beings for diagnostic or therapeutic purposes.

(g) "Temporary permit" means a permit granted and issued by the Board for the practice of radiologic technology which shall expire thirty (30) days after the Board gives written notice of results of the examination held following the issuance of such temporary permit.

(h) "Unethical conduct" means but shall not be limited to:

- (1) Engaging in the practice of radiologic technology while in an intoxicated condition or under the influence of narcotic or any other drugs which impair consciousness, judgment or behavior; or
- (2) Immoral conduct while engaged in the practice of radiologic technology or behavior indicating an unfitness to practice radiologic technology; or
- (3) Willful falsification, destruction or theft of property or records relating to the practice of radiologic technology; or
- (4) Failure to exercise due regard for the safety of life or health of the patient; or
- (5) Unauthorized disclosure of information relating to a patient or his records; or
- (6) Discrimination in the practice of radiologic technology against any person for reason of race, religion, creed, color or national origin.

(i) "Proficiency examination" is a test to be devised, administered and evaluated by the Board specifically for those individuals who have worked as a radiologic technologist during one of the three years immediately preceding July 7, 1977. This examination will be designed to evaluate the degree of proficiency

and expertise the applicant has achieved while working in the field.

(j) "Licensure examination" is a test to be devised, administered and evaluated by the Board and given to those candidates for licensure who are not eligible for the proficiency examination but who meet the qualifications for licensure contained in § 3.2(a) of these rules and regulations.

1.7. Communication - All communications concerning these regulations and applications filed thereunder shall be addressed to the West Virginia Radiologic Technology Board of Examiners, 1800 East Washington Street, Charleston, West Virginia 25305.

Section 2. Board Functions

2.1. Duties and Powers of the Board - The duties and powers of the Board are defined in Code 30-23-1 et seq. It shall be the duty of the Board to carry out the provisions of this article to the best of its ability.

2.2. Board Meetings

(a) The Board shall meet at least twice annually to conduct examinations.

(b) The Board shall hold at least one annual meeting during July of each year at the place and time designated by the chairman for the purpose of electing a chairman and secretary. New officers shall take office on July 1 of that year.

(c) Meetings of the Board may be called by the chairman at any reasonable time. The chairman shall call a meeting at any time upon the request of three or more Board members.

(d) Each Board member shall be notified by mail of the time and place of any meeting at least two weeks prior to the date on which the meeting will be held. Notification of special or emergency meetings may be by the most expedient means. An agenda of the subjects to be discussed at each meeting will be sent to each member prior to the meeting date.

(e) All meetings of the Board shall be open to the public in compliance with the Open Meetings Statute, Code, Chapter 6, Article 9A. .

(f) All forms, revisions to licenses and other printed material necessary for the administration of this licensing agency shall be approved by the Board.

(g) No Board member shall act officially for the Board or convey the impression to others that he is acting officially for the Board without prior authorization from the Board.

2.3. Duties of the Chairman

(a) He shall designate the time and place of meetings on his own authority or at the direction of three Board members.

(b) He shall preside at all meetings or, in the case of his inability to attend any meeting, the secretary shall serve for the meeting.

(c) He shall exercise general supervision of the affairs of the Board and shall have the usual powers of such office and such other powers and duties as the Board may direct.

2.4. Duties of the Secretary

(a) He shall assist the chairman in carrying out his duties when requested.

(b) He shall preside over meetings in the absence of the chairman.

(c) He shall act in behalf of the chairman in cases of extended incapacitation or long absences of the chairman.

(d) He shall keep the minutes of the proceedings at Board meetings and the records of the Board.

(e) He shall have custody of all fees received by the Board and shall be responsible for the transfer of such funds to the State Treasurer.

(f) He shall receive, accept responsibility for, issue (with Board approval) and account to the Auditor for the State of West Virginia for all licenses and temporary permits and keep duplicates of certificates handled by the Board.

(g) He shall be responsible, with the approval of the Board, for the preparation and submission of the annual budget to the Board.

(h) He shall maintain an accurate list of licenses with names and addresses.

Board of Examiners of Radiologic Technologists
Legislative Rule 30-23
Series I

Sec. 2(i)

(i) He shall maintain a list of approved schools and make this list available to interested persons.

Section 3. Licenses and Temporary Permits

3.1. Application for Licenses and Temporary Permits

(a) Any person requesting an application for a license or temporary permit shall be furnished the necessary forms, a copy of the regulations pertaining to the licensing of radiologic technologists and such other information or questionnaires as the Board may deem desirable.

(b) The application forms shall be designed to provide the information necessary to satisfy the Board that all requirements pertaining to the West Virginia law are being fulfilled.

(c) All applications shall be signed by the applicant and by his supervising practitioner. In the event the applicant is not employed, the application shall be signed by the applicant and sworn by him before a notary public.

(d) The application shall be accompanied by a money order or certified check.

(e) Failure to complete all forms and to provide all information may be just cause for rejections of the application by the Board and cause the application to be returned to the applicant.

(f) Any person knowingly furnishing false information in such application shall be denied a license or if the applicant has

already been licensed before the falsification of such information has been made known to the Board, such license or temporary permit shall be subject to suspension or revocation. In addition, the Board may undertake prosecution of the applicant pursuant to Code 30-23-13.

3.2. Issuance of Licenses and Temporary Permits

(a) The Board shall issue to each applicant a license or a temporary permit within thirty (30) days of receipt of a properly completed application and payment of the appropriate fee if the applicant:

- (1) Is of good moral character;
- (2) Has completed four (4) years of high school education or its equivalent;
- (3) Has successfully completed a minimum twenty-four month course in radiologic study in a school of radiologic technology approved by the Board;
- (4) Has passed the examination prescribed by the Board, which examination shall cover the basic subject matter of radiologic technology, skills and techniques;

- (5) Has not been convicted of a felony in any court in this State or any federal court in this or any other State within ten (10) years preceding the date of application for registration, which conviction remains unreversed; and not have been convicted of a felony in any court in this State or any federal court in this or any other State at any time if the offense which he was convicted related to the practice of radiologic technology, which conviction remains unreversed.
- (6) Holds a license or certificate, including the American Registry of Radiologic Technologists, to practice radiologic technology issued by any other state, the requirements for which license or certificate are found by the Board to be at least equal to those provided for a license to practice radiologic technology in this State without examination.

(b) Whenever the Board finds that an applicant meets all the requirements for a license to engage in the practice of radiologic technology, it shall forthwith issue to him such license.

(c) The license shall be valid for a period of two (2) years from the date of issuance.

(d) The license shall be renewed every two (2) years without examination upon application for renewal on a form prescribed by the Board. The Board shall mail an application form for renewal to every registered radiologic technologist whose registration certification is due to expire. The applicant shall then become

responsible for completing, signing and forwarding the renewal application to the Board with the required fee.

(e) The Board may deny an application for renewal for any reason which would justify the denial of an original application for a license. In addition, an application for renewal will be considered delinquent and subject to an additional fee if it is not received within thirty (30) days after the due date.

(f) The Board may issue a temporary permit to engage in the practice of radiologic technology to an applicant who meets the qualifications of § 3.2 (a), (b), (c) and (e) of these regulations, pending examination of such applicant.

(g) The temporary permit shall expire thirty (30) days after the Board gives written notice of the results of the examination held following the issuance of such temporary permit.

(h) A temporary permit may not be renewed or another thereof issued to the same person.

(i) The failure of an applicant to seek renewal of his license within two (2) years from its date of expiration will result in the applicant's having to become relicensed.

3.3. Exemptions

(a) The following persons are not required to obtain a license in accordance with the provisions of these regulations:

- (1) A technology student enrolled in or attending an approved school of technology who as part of his course of study applies x-radiation to a human being under the supervision of a licensed practitioner;
- (2) A person acting as a dental assistant who under the direct supervision of a licensed dentist operates only radiographic dental equipment for the sole purpose of dental radiography;
- (3) Any person engaged in performing the duties of a technologist in his employment by an agency, bureau or division of the government of the United States; and
- (4) Any licensed practitioner, radiologist or radiology resident.

(b) Any person who is engaged in the practice of radiologic technology in this State for a period of three (3) years or more within the last five (5) years prior to July 7, 1977, is eligible for a license to engage in the practice of radiologic technology without examination and without meeting the requirements of Code 30-23-3(a), if application for such license is made within twelve (12) months after the effective date of July 7, 1977, and if such person meets the requirements of § 3.2 (a), (b) and (e) of this section.

(c) Any person who has been engaged as a radiologic technologist for at least one (1) of the three (3) years immediately prior to July 7, 1977, and passes a proficiency examination prepared by the Board is eligible for a license to engage in the practice of

radiologic technology without further examination and without meeting the requirements of Code 30-23-3(a) if application for such license is made within twelve (12) months after the effective date of July 7, 1977; and if such person meets the requirements of §.3.2 (a), (b) and (e) of this section.

(d) A proficiency test will be conducted by the Board at a time and place designated by the Board for those individuals who have worked as a technologist one (1) of the past three (3) years immediately prior to July 7, 1977. Those individuals receiving a satisfactory score as determined by the Board will be issued a license to practice radiologic technology.

(e) A licensure examination will be conducted twice annually at a time and place designated by the Board. Those individuals receiving a satisfactory score as determined by the Board will be issued a license to practice radiologic technology.

3.4. Reciprocity

(a) Reciprocity will be considered with other states on an individual basis.

(b) A license issued to an individual by another state will not be honored in lieu of a license issued by the West Virginia Radiologic Technology Board of Examiners.

(c) Violation of laws regulating radiologic technologists in any other state by an individual licensed by this Board while he is visiting or residing in another state shall be considered as unethical conduct by this Board.

3.5. Responsibilities of the Licensee

(a) It shall be the responsibility of each person engaged in radiologic technology to be familiar with the requirements of the law regulating such activities in West Virginia and with the regulations of this Board.

(b) It shall be the responsibility of each person engaged in radiologic technology to make timely application for licensure or renewal of license, to complete such forms properly and to pay the fees required, and to hold himself available for examination at the times and places designated by the Board. Any information or reminders which the Board may issue shall be regarded as courtesies and shall not diminish the responsibilities of the person engaged in radiologic technology.

3.6. Display of License or Temporary Permit

(a) Each person entitled to engage in the practice of radiologic technology in this State shall prominently display at his principal place of employment his license or temporary permit to practice radiologic technology and his current certificate of registration (a wallet-sized registration card issued biennially by the Board to every person to whom it issues a license) shall be carried while engaged in the practice of radiologic technology.

(b) The current licensure and/or renewal registration card shall be exhibited when requested by and of the following:

- (1) A Board member; or
- (2) An employee of the West Virginia State Department of Health's Radiological Health Program; or
- (3) Any person upon whom the licensee applies Xray; or
- (4) An employer in whose employ the licensee practices or intends to practice radiologic technology.

(c) An employer, Board member or employee of the Radiological Health Program shall not accept a photocopy or other facsimile of a license or wallet-sized registration card as adequate evidence that a person is licensed to practice radiologic technology. Where, for convenience or security, a photocopy or facsimile is displayed, the original document shall be readily available for review.

3.7. Duplicate License

(a) In requesting a name or address change, the current license must be returned to the Board with the required fee prior to issuance of a corrected license.

(b) In requesting a duplicate license due to loss of license, a notarized statement substantiating the loss must be completed and submitted to the Board with the required fee prior to issuance of a duplicate license.

3.8. Schedule of Fees for Services Rendered by the West
Virginia Radiologic Technology Board of Examiners

(a) License Fee	\$30.00
(b) License Renewal Fee	\$20.00
(c) Temporary Permit Fee	\$15.00
(d) Reinstatement Fee (delinquents)	\$15.00
(e) Reciprocity Fee	\$25.00
(f) Duplicate License	\$ 2.00
(g) Change of Name	\$ 2.00
(h) Rules and Regulations	\$ 3.00

Section 4. Educational Requirements for Candidates for Licensure

4.1. Standards for an Approved School

(a) The candidate for licensure shall have studied at a school approved by the American Medical Association Council, by the Commission on Technologist Affairs of the American College of Radiology, and by the American Society of Radiologic Technologists.

(b) Acceptable schools may be conducted by approved medical schools or radiology departments affiliated with general hospitals.

(c) In order for a school to be deemed acceptable, at least 1,500 examinations per student should be performed annually, exclusive of photofluorograms.

(d) Hospital administration shall assure proper financial support for the effective operation of the school and provide a classroom with the required teaching aids, a library and study space.

(e) The medical director of the school must be a radiologist.

(f) There shall be a qualified instructor who spends at least 50 percent of his time in direct student contact and who is responsible for course curriculum.

(g) There should be a corps of well trained technologists who are capable of assisting in classroom instruction as well as in the practical teaching of students.

(h) There shall be at least one (1) graduate staff technologist for each three (3) students enrolled in the school.

4.2. General Facilities - The radiology department should be housed in suitable quarters and provided with modern equipment capable of performing all types of radiologic examinations and treatments which are usually performed in a general hospital. Installations should conform to the requirements of the Bureau of Standards.

4.3. Classroom, Library & Study Facilities

(a) There will be a classroom available exclusively for the use of the School of Radiologic Technology.

(b) The library shall include most standard texts on radiologic technology and radiographic anatomy as well as a number of specialized reference works.

(c) Students will be required to own certain textbooks to be used regularly in their classes.

(d) There will be an articulate skeleton together with a collection of individual bones, anatomical models and charts, slides, motion pictures and tape recordings.

(e) A teaching file of radiographs shall be maintained.

4.4. Instructional Program

(a) Classroom instruction should average a minimum of five (5) hours per week.

(b) Classes are to be held regularly regardless of the work load of the department.

(c) Examination grades must be made a permanent part of the student's record.

4.5. Basic Curriculum - The basic curriculum to be offered by an approved school to a candidate for licensure shall include but not be limited to: orientation and elementary radiation protection; professional ethics; office procedures; anatomy and physiology; physics; darkroom chemistry and technique; radiographic exposure; medical terminology; radiographic procedures using contrast media; nursing procedures pertinent to radiology; pediatric radiography; radiation protection (patient and technologist); special radiographic procedures; topographic anatomy; radiation therapy; medical and surgical diseases pertinent to the radiologic technologist; department administration; equipment maintenance; radiographic film critique.

Section 5. Administrative Hearing Procedures for the Board of Radiologic Technologists

5.1. Hearing Procedure

(a) Hearings on any suspension, revocation, or denial of an application for a license that is ordered by the Board and that is contested by the applicant shall be conducted according to Code 30-23-10.

(b) The applicant may be represented by counsel at the hearing; the Board shall be represented by the Attorney General or his assistants. Special counsel shall be appointed to aid the Board in its rulings on the admission of evidence.

(c) The technical rules of evidence shall not apply at hearings conducted by the Board; however, each party shall have the right to cross-examine any or all witnesses.

(d) Any concurring or dissenting opinions of Board members shall be in writing and accompany the Board's final order as outlined in Code 30-23-10(g).

5.2. Procedures for Judicial Review - Any person adversely affected by a decision of the Board rendered after a hearing shall have the right to pursue an appeal pursuant to Code 30-23-11.