

Form #4 

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TITLE 18  
LEGISLATIVE RULES  
RADIOLOGIC TECHNOLOGISTS

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 1  
RULE 8 AND REGULATIONS OF THE WEST VIRGINIA BOARD OF  
EXAMINERS OF RADIOLOGIC TECHNOLOGISTS

§18-1-1. General provisions.

1.1 Scope. -- Except as otherwise specifically provided, ~~these regulations apply~~ this rule applies to all persons in West Virginia who apply x-ray ionizing radiation or assist in the application of X-rays ionizing radiation to human beings for diagnostic or therapeutic purposes under the supervision of a licensed practitioner. ~~These regulations establish~~ This rule establishes the general rules requirements for licensure of Radiologic Technologists in West Virginia.

1.2 Authority. -- W. Va. Code § 30-1-1 et seq. and 30-23-4 5 et seq.

1.3 Filing Date. --

1.4 Effective Date. --

§18-1-2. Definitions.

As used in these regulations this rule:

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

(a) "Ionizing Radiation (X-Ray)" means the relatively high energy of photons capable of producing ionization in substances through which it passes. This high-energy is used to generate an exposure for diagnostic or therapeutic purposes.

(b) "JRCERT" means the Joint Review Committee on Education in Radiologic Technology

(c) ~~"License"~~ means a license granted and issued by the Board for the practice of radiologic technology;

(d) ~~"Licensed Practitioner"~~ means a person licensed to practice medicine, chiropractic, podiatry, osteopathy or dentistry;

(c) "Radiologic Technologist" means a person, other than a licensed practitioner, who applies ~~X-rays~~ ionizing radiation or assists in the application of ~~X-rays~~ ionizing radiation to human beings for diagnostic or therapeutic purposes under the supervision of a licensed practitioner;

(d) "Radiologic Technology" means the practice of positioning the patients for exams, setting of the exposure factors and generating an exposure for diagnostic or therapeutic purposes.

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

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

(f) "Temporary Permit License" means a permit license 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~~ which is limited in duration; and

(g) "Unethical Conduct" means, but ~~shall~~ is not be limited to:

(1) Engaging in the practice of radiologic technology while in an intoxicated condition under the influence of narcotic or any other drugs which impair consciousness, judgement 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 or radiologic technology; ~~or~~

(4) Failure to exercise due regard for the safety of the life or health of the patient; ~~or~~

(5) Unauthorized disclosure of information relating to a patient or his or her records; ~~or~~

(6) Discrimination in the practice of radiologic technology against any person for reason of race, religion, creed, color or national origin;

- (7) Violating the provisions of 3.6 of this rule;
- (8) The grounds enumerated in W. Va. Code § 30-23-9 (b).

**§18-1-3. Board functions.**

**3.1 Duties and powers of the Board.** -- The duties and powers of the Board are defined in the W.Va. 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.

**§18-1-4. Licenses and temporary permits.**

**4.1 Application for licenses and temporary permits.**

(a) The Board shall furnish any person requesting an application for a license or temporary permit ~~shall be furnished~~ the necessary forms, and ~~such any~~ other information or questionnaires as the Board ~~may deem~~ considers 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 Code are being fulfilled.

(c) All applications shall be signed by the applicant.

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

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

(f) The Board shall deny a license to any person knowingly furnishing false information in such an application ~~shall be denied a license~~ or if the applicant has already been licensed before the falsification of ~~such the~~ information has been made known to the Board, ~~such the~~ license or temporary permit ~~shall be~~ is subject to suspension or revocation. In addition, the Board may undertake prosecution of the applicant pursuant to W.Va. Code §30-23-13.

**4.2 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:

(b) The license ~~shall be~~ is valid for a period of ~~one (1) year~~ two (2) years from the date of issuance.

(c) ~~The A licensee shall renew his or her license shall be renewed every one (1) year biennially without examination upon application by applying for renewal on a form prescribed by the Board. The applicant shall be licensee is responsible for obtaining, completing, signing and forwarding the renewal application to the Board with the required fee.~~

(d) A licensee may pay an annual renewal fee for the biennial license by sending one half of the required biennial fee to the Board each year thirty (30) days before the anniversary date of the initial issuance of the license.

(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~~ shall 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 Section 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 license within two (2) years from its dated of expiration will result in the applicant's having to become relicensed.~~

(f) The Board may issue temporary permits:

(1) An applicant for a temporary permit shall present evidence of graduation from a Board approved School of Radiologic Technology. This evidence may be a diploma or a notarized letter from the school's program director stating this applicant has completed the course's education and clinical require-

ments.

(2) An applicant for a temporary permit may apply to the Board for a permit up to six (6) months after graduation from a Board approved School of Radiologic Technology. After six (6) months, the applicant must show proof of American Registry of Radiologic Technologist (ARRT) registration and apply for a permanent WV License.

(3) The Board shall issue the temporary permit based on the date of application and payment of the required fee. The effective dates of the temporary permit will be for a period of twenty-four (24) weeks (six (6) months from the date that the RTBOE office receives the application and fees). Temporary permits may not be renewed or extended.

#### 4.3 Reciprocity.

(a) The Board may consider reciprocity will be considered with other states on an individual basis.

(b) The Board shall not honor 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) A licensee who violates Violation of laws regulating radiologic technologists in any other state by an individual licensed by this Board while he or she is visiting or residing in another state shall be considered as unethical conduct by this the Board.

#### 4.4 Responsibilities of the licensee.

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

(b) It shall be is the responsibility of each person engaged in radiologic technology licensee or permittee to make timely application for licensure or renewal of license, to complete such the forms properly and to pay the fees required, and to hold himself or herself 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 are courtesies and shall not diminish the responsibilities of the person engaged in radiologic technology licensee or permittee.

#### 4.5 Display of license or temporary permit.

(a) ~~Each person entitled to engage in the practice of radiologic technology in this State~~ licensee or permittee shall prominently display at his or her principal place of employment his or her license or temporary permit to practice radiologic technology and his current certificate of registration (a wallet-sized registration card issued annually 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 A licensee shall exhibit current licensure and/or renewal registration card shall be exhibited when requested by and of the following:~~

(1) A Board member or an employee of the Board; or

(2) ~~An employee of West Virginia State Department of Health's Radiological Health Program; or~~

(3) (2) Any person upon whom the licensee applies X-ray ionizing radiation; or

(4) (3) An employer in whose employ the licensee practices or intends to practice radiologic technology.

(c) An employer, Board member or ~~Board employee~~ employee of the Radiological Health Program shall not accept a photocopy or other facsimile of a license or wallet-sized registration card as ~~adequate~~ the only 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.

#### 4.6 Duplicate license.

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

(b) In When requesting a duplicate license due to loss of license, a licensee shall submit 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.

**4.7 Schedule of fees for services rendered by the West Virginia Radiologic Technology Board of Examiners.**

|     |                                               |                              |
|-----|-----------------------------------------------|------------------------------|
| (a) | Application Fee                               | \$75.00                      |
| (b) | Annual <u>Biennial</u> License Renewal Fee    | <del>\$50.00</del> \$ 100.00 |
| (c) | Temporary Permit Fee                          | \$25.00                      |
| (d) | Reinstatement Fee (delinquent)                | \$15.00                      |
| (e) | Reciprocity Fee                               | \$25.00                      |
| (f) | Duplicate License                             | \$10.00                      |
| (g) | Change of Name                                | \$10.00                      |
| (h) | Roster of Active Licenses                     | \$25.00                      |
| (i) | Mailing Labels<br>(Name and Address/per 1000) | \$50.00                      |

**4.8 The following disciplinary sanctions shall be considered presumptive penalties to be imposed in all first time cases of violations of the provisions of this section of this rule unless extenuating circumstances require otherwise:**

|                                                                                           |                    |
|-------------------------------------------------------------------------------------------|--------------------|
| <u>1. Person working without a license</u>                                                | <u>\$ 1,000.00</u> |
| <u>2. Aiding and abetting person working without a license</u>                            | <u>\$ 1,000.00</u> |
| <u>3. RadiologicTechnologist working on an expired license</u>                            | <u>\$ 500.00</u>   |
| <u>4. Facility allowing technologist to work on an expired license</u>                    | <u>\$ 500.00</u>   |
| <u>5. RadiologicTechnologist not having license posted at<br/>their primary workplace</u> | <u>\$ 100.00</u>   |
| <u>6. Facility not posting license in patient's viewable area</u>                         | <u>\$ 100.00</u>   |

**§18-1-5. Educational Requirements for candidates applicants for licensure.**

**5.1 Standards for an approved school shall follow the current standards as established by the JRCERT, or standards determined equivalent by the Board.**

~~(a) The candidate for licensure shall have studied at a school~~

approved by the Board of Examiners of Radiologic Technologists.

~~(b) Acceptable schools may be conducted by an approved university, college, hospital or post secondary vocational/technical schools and institutions.~~

~~(c) In order for a school to be deemed acceptable, at least two thousand (2,000) examinations per student of a variety to allow demonstrated competency in essential procedures during the two (2) year program.~~

~~(d) School 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) When didactic and clinical education are not provided in the same institution, accreditation shall be obtained by the sponsoring institution for the total program. There shall be a written affiliation agreement between the sponsoring institution and each clinical education center, clearly defining the uniform responsibilities and obligations of each.~~

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

~~(g) There shall be a qualified program director who shall devote full-time to the sponsoring institution with primary responsibilities for the educational program to include: Organization, administration, periodic review, continued development and general effectiveness. The program director's responsibility shall not be adversely affected by educationally unrelated functions. The program director shall be a full-time employee of the sponsoring institution/education centers. Each program shall designate a clinical instructor. In multiple affiliate programs, a clinical instructor shall be designated for each clinical education center. In programs with a total of ten (10) or less students, the program director's responsibility may include clinical education. The clinical instructor shall be responsible for clinical instruction and clinical competency evaluation of students. Responsibilities for supervision and evaluation shall not be adversely affected by educationally unrelated functions.~~

~~(h) 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.~~

~~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 — Physical resources:**

~~(a) — Classrooms should contain seating and writing surfaces for each student in the class; have sufficient space to conduct demonstrations of procedures and to use audiovisual resources appropriate to teaching radiography; be equipped with proper lighting, temperature control and ventilation; meet safety requirements; be available for all scheduled classes on a basis that allows faculty to plan a semester in advance in order to post class schedules and to prepare the room; be reasonably accessible so that travel time does not disrupt or negatively affect the educational process. Provisions should be made for students' coats, books and personal items.~~

~~(b) — Documentation demonstrating that energized laboratories meet prevailing radiation safety regulations should be posted or otherwise readily available for inspection.~~

~~(c) — Offices for the administrative and instructional staff should be reasonably accessible, suitably private and secure for the planning, research, evaluation and counseling responsibilities. The security of instructional materials, files and examinations should be assured.~~

~~(d) — A library shall be readily accessible, containing an adequate supply of up-to-date books, periodicals and other reference materials related to the curriculum and the profession.~~

~~(e) — Instructional aids, equipment and facilities for demonstration shall be provided, such as an articulate skeleton, teaching file or radiographs, anatomical models and charts, slides, etc.~~

**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: Introduction

~~to radiography, medical ethics and law, medical terminology, methods of patient care, human structure and function, radiographic procedures, principles of radiographic exposure, imaging equipment, radiographic film processing, evaluation of radiographs, radiation physics, principles of radiation protection, principles of radiation biology, radiographic pathology, introduction to quality assurance, introduction to computer literacy and clinical education. The curriculum shall include a plan for well structured competency based clinical education.~~

~~§18-1-5. Administrative hearing procedures for the Board of Radiologic Technologists.~~

**5.1 Hearing procedures.**

~~(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 the W. Va. 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: Provided, however, That 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 the W. Va. 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 the W. Va. Code §30-23-10(g).~~



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WEST VIRGINIA LEGISLATURE  
*Legislative Rule-Making Review Committee*

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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Teri Anderson, Administrative Assistant

January 07, 2001

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Mary Casto  
Radiologic Technology Board of Examiners  
P.O. Box 638  
Cool Ridge, WV 25825

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Rules and Regulations of the West Virginia Board of Examiners of Radiologic Technology, 18CSR1**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule
  - (a) as originally filed
  - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

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ANALYSIS OF PROPOSED LEGISLATIVE RULES

**Agency:** West Virginia Technology Board of Examiners

**Subject:** Rules and Regulations of the West Virginia Board of Examiners of Radiologic Technology, 18CSR1

PERTINENT DATES

Filed for public comment: August 1, 2000

Public comment period ended: August 31, 2000

Filed following public comment period: August 31, 2000

Filed LRMRC: August 31, 2000

Filed as emergency:

Fiscal Impact: The fiscal note does not reflect any monies expected to be received from fines.

ABSTRACT

The proposed rule amends a current legislative rule. The following is a synopsis of the substantive amendments.

Subsection 1.5 defines terms. Definitions have been added for the terms "JRCERT" and "Radiologic Technology". The definition of the term "Unethical Conduct" has also been amended.

Section 3 relates to licenses and temporary permits. The subsection relating to temporary permits has been rewritten. Applicants are required to provide evidence of graduation from a Board approved school of radiologic technology. Permits are effective for a period of six months and may not be renewed or extended.

Obsolete language containing grandfathering provisions has been deleted.

A subsection has been added setting forth fines for violating the rule. The fines range from \$100 for a radiologic technologist who does not have his or her license posted to \$1,000 for a person working without a license.

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Section 4 relates to education requirements for applicants for licensure. It requires an approved school to follow the current standards as established by the JRCERT. Language containing other standards has been deleted.

Section 5 containing administrative hearing procedures for the Board of Radiologic Technology has been deleted.

#### AUTHORITY

Statutory authority: W.Va. Code, §30-23-5, which provides, in part, as follows:

(a) The board shall:

(1) Promulgate reasonable rules and regulations implementing the provisions of this article and the powers and duties conferred upon the board hereby and such reasonable rules and regulations shall be promulgated in accordance with the provisions of article three, chapter twenty-nine-a of this code...

#### ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

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III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

Yes. Subdivision 3.2.c and d state that a license is valid for one year. W.Va. Code §30-23-7 states that licenses are valid for two years.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.