

Form #3

OFFICE WEST VIRGINIA
SECRETARY OF STATE

TITLE OF RULE BEING PROPOSED: _____

Er Beuys

Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 17, 2007

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Medical Imaging & Radiation Therapy Technology
Board of Examiners
PO Box 638

1715 Flat Top Road
Cool Ridge, WV 25825

LEGISLATIVE RULE TITLE: _____
Rule of the WV Medical Imaging & Radiation Therapy
Technology Board of Examiners

1. Authorizing statute(s) citation _____
W. Va. Code § 32-23-5

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 15, 2007

b. What other notice, including advertising, did you give of the hearing?
Posted a copy of the Rule on Board's web page when filed for comments. Also stated in
newsletter that Rules would be out for comment around the middle of June, 2007.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 17, 2007 @ 9:00 am

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons
for amendments.

Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 18, 2007 @ 11:00 am

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Grady M. Bowyer, Executive Director

PO Box 638

Cool Ridge, WV 25825

Phone: 304-546-4642 Fax: 304-787-3030

E-mail: gradymbowyer@suddenlink.net

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

SUMMARY AND FACTS AND CIRCUMSTANCES CONCERNING THIS RULE

House Bill 2800 was passed during the 2007 Legislative session and signed by the Governor on April 4, 2007 which was a complete re-writing of W. Va. Code § 30-23. This legislation changed the name of the West Virginia Radiologic Technology Board of Examiners to the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners (Board). It also mandated the licensing of Nuclear Medicine technologist and Magnetic Resonance Imaging (MRI) technologist. This Series 1 Rule is being updated to have the Rule conform to the Code. There are no fee increases or any other money generating activities by the Board with this Rule.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: RULE OF THE WEST VIRGINIA MEDICAL IMAGING & RADIATION THERAPY

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: WV RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS

Address: PO BOX 638
1715 FLAT TOP ROAD
COOL RIDGE, WV 25825

Phone Number: 304*-787-4398 Email: gradymbowyer@suddenlink.net

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure
will have on costs and revenues of state government.

THIS RULE WILL NOT HAVE ANY FINANCIAL IMPACT. IT IS BEING SUBMITTED TO HAVE THE RULE CONFORM TO THE CODE CHANGES PASSED DURING THE 2007 LEGISLATIVE SESSION (HB 2800).

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of
Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title:

RULE OF THE WEST VIRGINIA MEDICAL IMAGING & RADIATION THERAPY T

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

NO INCREASE IN FEES OR ANY OTHER COST TO THE BOARD.

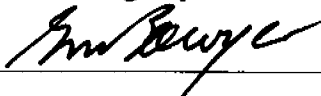
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

THIS RULE DOES NOT HAVE ANY FINANCIAL IMPACT. THERE ARE NO FEE INCREASE. IT IS BEING SUBMITTED TO CONFORM TO CHANGES MADE IN THE LAW (NAME CHANGE) DURING THE 2007 LEGISLATIVE SESSION BY HB 2800.

Date: 6/15/2007

Signature of Agency Head or Authorized Representative



TITLE 18
LEGISLATIVE RULES
RADIOLOGIC TECHNOLOGISTS

FILED
2007 JUL 18 AM 11:00
OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 1
**RULE OF THE WEST VIRGINIA MEDICAL IMAGING AND
RADIATION THERAPY TECHNOLOGY BOARD OF EXAMINERS
OF RADIOLOGIC TECHNOLOGISTS**

§18-1-1. General provisions.

1.1 Scope. -- Except as otherwise specifically provided, this rule applies to all persons in West Virginia who apply ~~ionizing radiation~~ medical imaging and radiation therapy or assist in the application of ~~ionizing radiation~~ medical imaging or radiation therapy to human beings for diagnostic or therapeutic purposes under the supervision of a licensed practitioner. This rule establishes the general requirements for licensure of ~~Radiologic Technologists~~ Medical Imaging and Radiation Therapy Technologist in West Virginia.

1.2 Authority. -- W. Va. Code § 30-23- 5

1.3 Filing Date. --

1.4 Effective Date. --

§18-1-2. Definitions.

As used in this rule:

(a) "Ionizing Radiation (X-Ray)" means ~~the relatively high energy of photons capable of producing ionization in substances through which it passes.~~ any type of radiation which, during its interaction with matter, can cause the formation of an ion pair. This ~~high-energy ionizing radiation~~ is used to generate an exposure for diagnostic or therapeutic purposes.

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

(c) "JRCNMT" means the Joint Review Committee on Educational Programs in Nuclear Medicine Technology.

(d) "Medical Imaging" means the use of ionizing radiation, electro magnetic radiation, or radioactivity for evaluation of body tissue in order to

diagnose injury and disease by means of image production.

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

~~(d)~~ (f) "Temporary License" means a license granted and issued by the Board for the practice of radiologic technology which is limited in duration.

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

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

(2) Immoral conduct while engaged in the practice of radiologic medical imaging or radiation therapy technology or behavior indicating an unfitness to practice radiologic medical imaging or radiation therapy technology;

(3) Willful falsification, destruction or theft of property or records relating to the practice or radiologic of medical imaging or radiation therapy technology;

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

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

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

(7) Violating the provisions of the Rules of the Board; or

(8) The grounds enumerated in W. Va. Code § ~~30-23-9(b)~~ -
§ 30-23-24(a)(3)

§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 is the duty of the Board to carry out the provisions of the law to the best of its ability.

§18-1-4. Licenses, apprentice licenses and temporary permits.

4.1 Application for licenses, apprentice licenses and temporary permits.

(a) The Board shall furnish any person requesting an application for a license, apprentice licenses or temporary permit the necessary forms, and any other information or questionnaires as the Board 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, except any renewal applications submitted on-line. An Applicant who submits a renewal application on-line by credit card payment is considered to have signed the application.

(d) The application shall be accompanied by a money order, certified check, or a personal check. Any application or renewal application may be paid by certain credit cards which have been approved by the Board .

(e) If an applicant fails to complete all forms and to provide all information, the Board may shall reject and return the application to the applicant.

(f) The Board shall deny a license to any person knowingly furnishing false information in an application or if the applicant has already been licensed before the falsification of the information has been made known to the Board, the license, apprentice licenses or temporary permit is subject to suspension or revocation. In addition, the Board may undertake prosecution of the applicant pursuant to W.Va. Code ~~§30-23-43~~ § 30-23-28.

4.2 Issuance of licenses, apprentice licenses and temporary permits.

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

(b) The license and apprentice license are is valid for a period of one (1) year and will expire at the end of the month from the date of issuance.

(c) An apprentice license for an individual working in Nuclear Medicine or Magnetic Resonance Imaging as of July 1, 2007 shall be renewed no more than four (4) times as stipulated in W. Va. Code § 30-23-19 (b)

(d) A licensed Medical Imaging Technologist cross-training in Nuclear Medicine or Magnetic Resonance Imaging may renew their apprentice license once as stipulated in W. Va. Code § 30-23-19 (c).

(e) A licensee shall renew his or her license annually without examination by applying for renewal on a form prescribed by the Board or by on-line renewal with the payment by a Board approved credit card. If submitted by U.S. mail, the licensee is responsible for obtaining, completing, signing and forwarding the renewal application to the Board with the required fee and documentation of their Continuing Education (CE) as required by the Board's rule, CONTINUING EDUCATION, 18CSR2. For on-line renewals the Board shall attempt to verify Continuing Education by obtaining biennium information from American Registry of Radiologic Technologist (ARRT). If the Continuing Education information cannot be obtained from the American Registry of Radiologic Technologist, the Board shall notify the licensee that the required documentation of Continuing Education compliance must be submitted to the office before the Board issues the renewal license.

(f) The Board may deny an application for renewal for any reason which would justify the denial of an original application for a license.

(g) The Board shall assess a fee for reinstatement of an expired license.

(h) The Board shall only issue temporary permits to individuals that have completed training in Radiologic Technology or Nuclear Medicine Technology:

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

(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 or Nuclear Medicine Technology. After six (6) months, the applicant must show proof of American Registry of Radiologic Technologist (ARRT) registration passage of a Board approved registration examination 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 or six (6) months from the date that the Board's office receives the application and fees. Temporary permits may not be renewed or extended.

4.3 Reciprocity.

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

(b) The Board shall not honor a license issued to a person by another state in lieu of a license issued by the Board.

(c) A licensee who violates laws regulating radiologic technologists in any other state while he or she is visiting or residing in another state shall be considered guilty of unethical conduct by the Board.

4.4 Responsibilities of licensees and permittees.

(a) It is the responsibility of each licensee or permittee to be familiar with the requirements of the law regulating the practice of Radiologic Technology Medical Imaging and Radiation Therapy in West Virginia and with the rules of the Board.

(b) It is the responsibility of each licensee or permittee to make timely application for a license, apprentice license or renewal of license, to complete the forms properly, to submit the required Continuing Education documentation, 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 are courtesies and shall not diminish the responsibilities of the licensee or permittee.

4.5 Display of license or temporary permit.

(a) Each licensee or permittee shall prominently display at his or her principal place of employment his or her original, current license, apprentice license or temporary permit to practice radiologic technology medical imaging or radiation therapy technology, ~~and his or her current certificate of registration (a wallet-sized registration card issued annually by the Board to every person to whom it issues a license);~~ A photocopy of the original, current license may be displayed at the licensee or permittee's secondary place of employment. The wallet-sized card issued with the license is not acceptable for display.

(b) A licensee shall exhibit a current licensure or renewal registration card when requested by the following:

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

(2) Any person upon whom the licensee applies ionizing radiation medical imaging or radiation therapy; or

(3) An employer in whose employ the licensee practices or intends to practice radiologic medical imaging or radiation therapy technology.

(c) An employer, Board member or Board employee shall not accept a photocopy or other facsimile of a license or wallet-sized registration card as the only evidence that a person is licensed to practice radiologic medical imaging or radiation therapy technology at his or her principal place of employment. 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 change, the licensee shall return the current license or permit to the Board after making a copy for posting with the required fee and court documentation showing the new name prior to issuance of a corrected license or permit.

(b) When requesting a duplicate license or permit due to loss of license or permit, a licensee shall submit a notarized statement substantiating the loss to the Board with the required fee prior to issuance of a duplicate license or permit.

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

(a)	Application Fee	\$100.00
(b)	Annual Renewal Fee	\$ 65.00
(c)	All Temporary Permits Fee	\$ 40.00
(d)	Reinstatement Fee (delinquent)	\$ 25.00
(e)	Return Check Fee	Maximum allowable by West Virginia State Code

(f)	Reciprocity Fee	\$ 40.00
(g)	Duplicate License	\$ 15.00
(h)	Change of Name	\$ 15.00
(i)	Roster of Active Licenses	\$ 50.00
(j)	Mailing Labels (Name and Address/per 750 or portion thereof)	\$ 50.00
(k)	WV Examination Fee	\$100.00

4.8 Presumptive penalties

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

1. Person working without being issued a license	\$ 1,000.00
2. Aiding and abetting a person working without being issued a license	\$ 1,000.00
3. Radiologic Technologist working on an expired license	\$ 500.00
4. Facility allowing technologist to work on an expired license	\$ 500.00
5. Radiologic Technologist not having license posted at their primary workplace	\$ 100.00
6. Facility not posting license in patient's viewable area	\$ 100.00

4.9 Hearing costs

(a) The Board shall require any person demanding a hearing to give security for the costs thereof and if the demanding party does not substantially prevail, such facts may be assessed against them and may be collected in a civil action or by other proper remedy.

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

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

5.2 Before any new school of Medical Imaging or Radiation Therapy

Technology shall begin operation in West Virginia, they must make application to the Board and submit a needs assessment survey. Upon approval of the school by the Board, the school must then submit an application to the JRCERT, JRCNMT, or equivalent as determined by the Board, to begin the accreditation process.

5.3 All approved schools of Medical Imaging and Radiation Therapy Technology shall submit a copy of their Accreditation program annual report to the Board at the same time as required by their accrediting body.

5.4 The Board may require additional program assessment data as deemed necessary.