

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

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2004 APR 19 P 4:51

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Radiologic Technology Board of Examiners TITLE NUMBER: 18

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Code § 30-23-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Rules of the West Virginia Radiologic Technology Board
of Examiners

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON May 21, 2004 AT 5:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Radiologic Technology Board

1715 Flat Top Road

P.O. Box 638

Cool Ridge, WV 25825-0638

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SUMMARY OF THE RULE

The submitted Rule changes will inform the licensees that they can renew their license on-line by certain approved credit cards. It will inform them that, by renewing on-line by credit card, this will constitute a signed application. It will also inform the licensee as to how their Continuing Education will be verified for on-line license renewals. This Rule will require submitting court documentation (i.e. - marriage license) before a name change can to be made. This Rule will increase all fees, **except the annual renewal fee**, and will add a fee for taking the West Virginia Examination for Radiologic Technology.

FACTS AND CIRCUMSTANCES

THIS RULE IS BEING SUBMITTED TO ALLOW FOR THE ISSUANCE OF LICENSE RENEWALS VIA THE INTERNET USING CERTAIN, BOARD APPROVED, CREDIT CARDS AND WILL INFORM THE LICENSEE HOW THEIR CONTINUING EDUCATION WILL BE VERIFIED WHEN RENEWING ON-LINE (SUBMITTING AN ON-LINE RENEWAL WILL CONSTITUTE A SIGNED APPLICATION). THIS RULE WILL ALSO INCREASE FEES FOR EVERYTHING EXCEPT THE ANNUAL RENEWAL FEE. IT WILL ALSO PLACE INTO THE RULE THE FEE FOR TAKING THE WEST VIRGINIA RADIOLOGIC TECHNOLOGY EXAMINATION. THESE MONIES ARE NEEDED TO GIVE THE BOARD A FINANCIAL MEANS TO PAY INCREASING BILLS (PEIA, WORKER'S COMP, EMPLOYMENT SECURITY, ETC.), SALARIES AND MANDATES.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Rules of the West Virginia Radiologic Technology Board of Examiners

Type of Rule: X Legislative _____ Interpretive _____ Procedural

Agency: West Virginia Radiologic Technology Board of Examiners

Address: 1715 Flat Top Road

P.O. Box 638

Cool Ridge, WV 25825-0638

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 8,000.00			\$ 8,000.00	
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

This money will be generated by increasing all fees except the annual license renewal fee. This money will be used to pay increasing office expenses, such as Worker's Comp, Employment Security, Administration fees, utility increases, gasoline cost, credit card transaction fees, unfunded mandates, etc.

3. Objectives of These Rules:

The objective is to provide financial stability so that the main revenue producer, the annual renewal of licenses, will not have to be increased at this time.

Rule Title: Rules of the West Virginia Radiologic Technology Board of Examiners

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:
NONE

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: These fee increases will be imposed on individuals that obtain a temporary permit or first-time license from the Board, and individuals that do not renew their license prior to the expiration date.

C. Economic Impact on Citizens/Public at Large.
NONE

Date: April 21, 2004

Signature of Agency Head or Authorized Representative:

Jim Sawyer, RT

TITLE 18
LEGISLATIVE RULES
RADIOLOGIC TECHNOLOGISTS

FILED

2004 APR 19 P 4:51

SERIES 1
RULE OF THE WEST VIRGINIA BOARD OF
EXAMINERS OF RADIOLOGIC TECHNOLOGISTS

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

§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 or assist in the application of ionizing radiation 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 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. 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) "Reciprocity" means the granting of a license or temporary permit to persons who hold a license or certificate in another state.

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

(e) "Unethical Conduct" means, but is not 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;

(2) Immoral conduct while engaged in the practice of

radiologic technology or behavior indicating an unfitness to practice radiologic technology;

(3) Willful falsification, destruction or theft of property or records relating to the practice or radiologic 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 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).

§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 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 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. Submitting a renewal on-line by credit card payment shall constitute a signed application.

(d) The application shall be accompanied by a money order, certified check, or personal check or can 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 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 or temporary permit is subject to suspension or revocation. In addition, the Board may undertake prosecution of the applicant pursuant to W.Va. Code §30-23-13.

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.

(b) The license is valid for a period of one (1) year from the date of issuance.

(c) 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 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, Continuing Education will be verified by obtaining biennium information from American Registry of Radiologic Technologist (ARRT). If the CE information cannot be obtained from the ARRT, the licensee will be notified that they must submit the required documentation of CE compliance to the office before their license will be issued.

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

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

(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 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. 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 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 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 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 license or temporary permit to practice radiologic 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).

(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; or
- (3) An employer in whose employ the licensee practices or intends to practice radiologic 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 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 to the Board with the required fee and court documentation showing the new name prior to issuance of a corrected license.

(b) When requesting a duplicate license due to loss of license, a licensee shall submit a notarized statement substantiating the loss 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 <u>\$100.00</u>
(b)	Annual Renewal Fee	\$50.00
(c)	All Temporary Permits Fee	\$25.00 <u>\$40.00</u>
(d)	Reinstatement Fee (delinquent)	\$15.00 <u>\$25.00</u>
(e)	Return Check Fee	Maximum allowable by West Virginia State Code
(f)	Reciprocity Fee	\$25.00 <u>\$40.00</u>
(g)	Duplicate License	\$10.00 <u>\$15.00</u>
(h)	Change of Name <u>(See § 18.4.6 (a) for requirement)</u>	\$10.00 <u>\$15.00</u>
(i)	Roster of Active Licenses	\$25.00 <u>\$50.00</u>

- (j) Mailing Labels \$50.00
 (Name and Address/per 1000 750 or portion thereof)
- (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 <u>being issued</u> a license | \$ 1,000.00 |
| 2. Aiding and abetting a person working without
<u>being issued</u> 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 |

§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, or standards determined equivalent by the Board.