

DATE: May 9, 1997

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Board of Examiners of Radiologic Technology

LEGISLATIVE RULE TITLE: Continuing Education

1. **Authorizing statute(s) citation W.V. Code 30-23-1 et. seq.**

2. **a. Date filed in State Register with Notice of Hearing:**
May 9, 1997

- b. What other notice, including advertising, did you give of the hearing?**
List of those provided with notices of hearing is attached.

- c. Date of hearing(s): June 10, 1997**

- d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.**
Attached XXX No Comments received _____

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

- f. Name and phone number(s) of agency person(s) to contact for additional information:**
Mary Casto

**TITLE 18
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF
EXAMINERS FOR LICENSED RADIOLOGIC TECHNOLOGIST**

SERIES 2 - CONTINUING EDUCATION

SUMMARY OF PROPOSAL

This is a new series which adds continuing education as a pre-requisite for renewal of licensure in the State of West Virginia. The rules add twenty-four (24) contact hours of continuing education within the two (2) year period immediately preceding request for renewal of the license. The rule provides for exemptions, establishes an audit system, defines providers of continuing education and establishes guidelines for acceptable offerings.

The board has not had a fee increase since 1978, when the law went into effect.

**TITLE 18
LEGISLATIVE RULES
RADIOLOGIC TECHNOLOGISTS**

**SERIES 1
RULES 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 to all persons in West Virginia who apply X-rays or assist in the application of X-rays to human beings for diagnostic or therapeutic purposes under the supervision of a licensed practitioner. These regulations establish the general rules for licensure of Radiologic Technologists in West Virginia.

1.2 Authority. – W. Va. Code §30-23.

1.3 Filing Date. – May 5, 1984.

1.4 Effective Date. – May 23, 1984.

1.5 Definitions. – As used in these regulations:

- (a) "Board" means the West Virginia Radiologic Technology Board of Examiners;
- (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 X-rays or assists in the application of X-rays 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; and
- (h) "Unethical Conduct" means, but shall 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 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.

1.6 Communication. – All communications concerning these regulations and applications filed thereunder shall be addressed to the West Virginia Radiologic Technology Board of Examiners, Room 303, 3049 Robert C Byrd Drive, Beckley, West Virginia 25801.

§18-1-2. Board functions.

2.1 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.

2.2 Board meetings.

- (a) The Board shall meet at least twice annually to conduct examinations.
- (b) The Board shall hold at least one (1) annual meeting during June 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 (3) or more Board members.
- (d) Each Board member shall be notified by mail of the time and place of any meeting at least two (2) 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, W. Va. Code §6-9a.
- (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 (3) 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 required.
- (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 proceeding 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.
- (i) He shall maintain a list of approved schools and make this list available to interested persons.

§18-1-3. 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, 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 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 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 W.Va. 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 (24) 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; and
 - (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 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~~ one (1) year from the date of issuance.
- (d) The license shall be renewed every ~~two (2) years~~ one (1) year without examination upon application for renewal on a form prescribed by the Board. The applicant shall be responsible for obtaining, 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 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.

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 residents.

(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 the W. Va. 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 Section 3.2 (a), (b) and (e) of these regulations.

(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 the W. Va. 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 Section 3.2 (a), (b) and (e) of these regulations.

(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 ~~bi-annually~~ 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 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 West Virginia State Department of Health's Radiological Health Program; or
- (3) Any person upon whom the licensee applies X-ray; 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)	Application Fee	\$30.00	\$75.00
(b)	bi Annual License Renewal Fee	\$20.00	\$50.00
(c)	Temporary Permit Fee	\$15.00	\$25.00
(d)	Reinstatement Fee (delinquent)		\$15.00
(e)	Reciprocity Fee		\$25.00
(f)	Duplicate License	\$ 2.00	\$10.00
(g)	Change of Name	\$ 2.00	\$10.00
(h)	Rules and Regulations	\$ 2.00	\$10.00
	<u>Add</u>		
(i)	<u>Roster of Active Licenses</u>		<u>\$25.00</u>
(j)	<u>Mailing Labels (Name and Address/per 1000)</u>		<u>\$50.00</u>

§18-1-4. 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 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 file 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).

TITLE 18
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF EXAMINERS
FOR LICENSED PRACTICAL NURSES

SERIES 2
CONTINUING EDUCATION

§18-2-1. General.

1.1 Scope. – These legislative Rules establish requirements for continuing education to practice radiologic technology or radiation therapy. They set forth Continuing Education Requirements for both the ARRT radiologic technologists, radiation therapist, and including WV Licensed (Grand fathered) radiologic technologists. All persons licensed by the Board to practice radiologic technology or radiation therapy must earn a minimum of 24 hours of continuing education credits during a two-year period. ARRT Radiologic Technologist and Radiation Therapist must submit these credits at time of renewal for ARRT licensure. Radiologic Technologist Grand fathered by West Virginia Board of Examiners must submit credits to the Board of Examiners for Radiologic Technology upon licensure renewal. Persons holding more than one license issued by the ARRT or Board are not required to obtain more than the minimum 24 credits during a two-year period.

1.2 Authority. – WV Code §30-7A-5 & §64-9-17(h).

1.3 Filing Date. – August 30, 1997.

1.4 Effective Date. --

§18-6-2. Definition of Terms. Continuing Competence.

2.1 "Approved provider" means a local, state or national agency, organization or association recognized by the Board.

2.2 "Audit" means the selection of licensees for verification of satisfactory completion of continuing education and practice requirements during a specified time period; or the selection of approved providers for verification of adherence to continuing education approved provider requirements during a specified time period.

2.3 "Continuing education" means planned, organized learning activities engaged in following initial licensure and designed to maintain, improve, or expand a Radiologic Technologist and Radiation Therapist knowledge and skills or to develop new knowledge and skills related to Radiology/Radiation Therapy to enhance practice, education, or theory development to the end of improving the health of the public.

2.4 "Radiology/radiation therapy practice" means performance of radiology/radiation therapy acts under the direction of a licensed radiologist/physician or licensed dentist, for which a license to practice is required.

2.5 "Formal offering" means an extension course, independent study, or other course which is offered, for college credit, by a recognized educational institution.

2.6 "Informal offering" means a workshop, seminar, institute, conference, lecture, short term course, or organized independent study which is offered for credit in contact hours or continuing education units.

2.7 "Independent study" means a program of learning designed by an approved provider for the practical nurse who completes the program at the individual's pace, e.g., home study, programmed instruction.

2.8 "Self study" means a program of learning designed by the licensee to enhance knowledge and skill and not approved by an approved provider.

2.9 "Approved academic course" means a formal course of study offered by an accredited postsecondary educational institution in the biologic sciences, physical sciences, radiologic sciences, health and medical sciences, social sciences, mathematics, computers, management, educational methodologies, or written and verbal communications.

2.10 "Authorized representative" means a person designated by the sponsor to be responsible for documenting attendance.

2.11 "Biennium" means a two year period. Technologist must earn 24 CE credits every two years. The two-year period is linked to each technologists birth month.

2.12 "Birthmonth" means the month in which an individual was born.

2.13 "Category A credit" means an educational activity that has been evaluated and approved by a RCEEM

will be assigned Category A credit. Also, activities approved by the American Medical Association (AMA Category 1) or the American Nurses Association (through the ANCC) receive Category A credit as long as they are relevant to the radiologic sciences. Technologists must obtain at least 12 Category A credits each biennium. The remaining 12 credits may be either Category A or Category B activities.

2.14 "Category B credit" means an educational activity that meets the ARRT's definition of a continuing education activity but has not received approval from a RCEEM, AMA Category 1 or through an ANCC mechanism.

2.15 "Contact hour" means a contact hour is equal to 50 minutes and is awarded 1 CE credit.

2.16 "Contact person" means a person submitting Request for Approval form.

2.17 "Continuing education activity" means a learning activity that is planned, organized and administered to enhance the professional knowledge and skills underlying the professional performance that the technologist uses to provide services to patients, the public or the medical profession. To qualify as continuing education, the activity must provide sufficient depth and scope of a subject area.

2.18 "Continuing education credit" means credit earned for completing a continuing education activity. Activities lasting 30 to 49 minutes receive .5 CE credit; activities of 50 to 74 minutes receive 1 CE credit; activities of 75 to 99 minutes receive 1.5 CE credits; and activities of 100 minutes receive 2 CE credits. Activities lasting less than 30 minutes will receive no credit. Practical or hands-on sessions are awarded 1 credit per two hours of participation.

2.19 "Developer" means an individual or organization that develops and/or presents educational activities.

2.20 "Directed reading" means a manuscript with appropriate post-test evaluation published in a peer-reviewed scholarly journal that meets the definition of a journal as outlined by the National Library of Medicine's journal selection criteria for Index Medicus/Medicine.

2.21 "Documentation" means proof of participation in a continuing education activity. Documentation must include dates of attendance, title and contents of activity, number of contact hours, name of the sponsor and the signature of the instructor or representative of the organization that sponsored the activity. In addition, documentation for Category A activities must identify the activity as having been approved by a RCEEM (with a reference number, if applicable). AMA Category 1 or through an ANCC mechanism.

2.22 "Evidence of Continuing Education Program" means this comprehensive ASRT program provides technologists with continuing educational activities as well as a method of tracking them. All ASRT members are automatically enrolled in the ECE program.

2.23 "Homestudy". See self-learning activity.

2.24 "Institutional provider" means a hospital, medical center, clinic, physician's office or institution that provides direct patient care that has applied for recognition as an institutional provider for the exclusive benefit of its employees.

2.25 "Institutional provider number" means an ASRT-assigned code number identifying a specific institutional provider.

2.26 "Non-evaluated credit" means the designation given to activities that have not been submitted for pre-approval. These may be considered Category B activities by ARRT.

2.27 "Objectives" means what the participant will learn as a result of the educational activity. Objectives must be expressed in measurable and observable terms.

2.28 "Outline" means a list of the major and minor topics included in a presentation.

2.29 "Record keepers" means organizations that track continuing education credits so that technologists do not have to. The ASRT, through its ECE program, is a record keeper.

2.30 "RCEEM" means Recognized Continuing Education Evaluation Mechanism designated by the ARRT. A group or organization that evaluates the content and quality of continuing education activities. A RCEEM must be national in scope, nonprofit and based in the radiologic sciences. The ASRT is a RCEEM.

2.31 "Registration" means Technologists are required to renew registration of their certificate(s) annually with the ARRT. This renewal process is called registration.

2.32 "Request for Approval" means a form submitted by the sponsor of an educational activity to the ASRT Evidence of Continuing Education program. The Request for Approval form must be accompanied by objectives, outline, a schedule if program exceeds two hours and qualifications of the speaker(s). The ASRT either approves or denies the request. If approved, the ASRT assigns a reference number and determines the number of CE credits.

2.33 "Self-learning activity" means stand-alone programs developed for home study of self learning with the appropriate post-test evaluation. A self-learning activity cannot be printed, published or distributed as part of any other publication.

2.34 "Seminar" means a lecture or group of lectures in a contained time frame submitted for a one-time presentation that allows an open invitation for attendance.

2.35 "Sponsor" means an organization that plans, organizes, supports, endorses, subsidizes and/or administers educational activities. Sponsors are responsible for the content, quality and integrity of the educational activity. Sponsors can include professional societies, academic institutions, health care facilities, individuals, corporations and governmental agencies. The ASRT is a sponsor.

2.36 "Triennium" means a three-year period. The biennium is a standard cycle for CE requirements, but during the phase-in period, a triennium will be assigned to technologists whose birthyear ends with an odd number. Those registrants will be required to earn 36 CE credits between their birthmonth in 1995 and their birthmonth in 1998. They then will be on the biennium schedule.

§18-6-3. Continuing Competence - a Prerequisite for Renewal.

3.1 Continuing Competence.

3.1.1 Continuing Education Requirements.

3.1.1.1. Each applicant for renewal of a license, if the license is currently active, or reinstatement of a license if a license is lapsed or on the non-practicing list, shall verify that he or she has satisfactorily completed twenty-four (24) contact hours of continuing education during the prescribed two (2) year reporting period.

Units of measurement used for continuing education courses are as follows:

- (a) 30 to 49 minutes = 0.5 CE credits
50 to 74 minutes = 1 CE credits
75 to 99 minutes = 1.5 CE credits
100 minutes = 2 CE credits
Activities lasting less than 30 minutes will be no credit.
- (b) 24 credits = writing an original text book related to radiologic sciences.
4 credits = writing a chapter or a text book related to radiologic sciences.
4 credits = writing an article that is published in a peer-review journal.
- (c) 3 credits = CPR certification by American Red Cross or American Heart Association.
- (d) 1 academic semester hour = 16/semester hour or receiving a C or higher in approved academic course.
- (e) 1 academic quarter hour = 12/quarter hours of instruction. Receiving C or higher in approved academic course.
- (f) At least 50 percent of the continuing education credits earned during each two-year period must be assigned Category A as defined by the ARRT. The remaining 50 percent may be assigned Category B credit as defined by the ARRT.
- (g) The distinction between Category A and Category B activities is based upon whether the activity is pre-approved by an RCEEM. Category A activities have been pre-approved by an RCEEM. Category B activities have not been pre-approved by an RCEEM. Activities which a licensee intends to use for Category B credits must satisfy the ARRT's definition as a continuing education activity even through they have been submitted to an RCEEM for approval.
- (h) The Board will recognize examination exceptions as defined by the ARRT as satisfying continuing education requirements for the two-year period at issues.
24 credits = Passing an entry-level examination in a discipline not previously passed.
24 credits = Passing an advanced-level examination for which you are eligible.

3.1.1.2. During the physical year, July 1, 1997, through June 30, 1998, each licensed radiologic technologist and radiation therapist with an active license to radiology or radiation therapy in West Virginia shall

complete a minimum of twelve (12) hours of continuing education as approved by these rules. Only the West Virginia (grand fathered) licensee shall report his or her continuing education activities to the Board with the application for renewal of his or her license for the fiscal year, July 1, 1997, to June 30, 1998. ARRT licensee shall submit only the ARRT copy of license renewal to the Board.

3.1.1.3. After the above one year phase-in period, each licensee with an active license to radiologic technology or radiation therapy in West Virginia shall complete twenty-four (24) hours of continuing education, as approved by these rules, every two fiscal years. On or before June 30, 1997, and every other June 30 thereafter, each Grand fathered licensee shall file a report of such continuing education activities with the board at the time the licensee files an application for renewal of his or her license to practice radiologic or radiation therapy in West Virginia.

3.1.1.4. The board shall not grant credit for identical continuing education activities submitted during any single two (2) year reporting period. Continuing education credits from a previous two (2) year reporting period may not be used, nor shall credits be accumulated for use in a future two (2) year reporting period.

3.1.2. Radiologic Technologist/Radiation Therapist Practice Requirements.

3.1.2.1. Each applicant for renewal of a license, if the license is currently active, or reinstatement of a license, if the license is lapsed or on the non-practicing list, shall verify that he or she has engaged in radiologic technology or radiation therapy practice within the prescribed two (2) year reporting period.

3.1.2.2. During the physical year, July 1, 1997, through June 30, 1998, each licensed radiologic technologist or radiation therapist with an active license to practice practical radiology or radiation therapy in West Virginia shall engage in radiology or radiation therapy practice as specified in these rules. The licensee shall file a report with the board certifying that he or she met the minimum practice requirements no later than June 30, 1998, at the time the licensee files application for renewal of his or her license practice radiologic technology or radiation therapy for the fiscal year, July 1, 1997, to June 30, 1998.

3.1.2.3. After the above one year phase-in period, each radiologic technologist and radiation therapy technologist with an active license to practice in West Virginia shall engage in practice, as approved by these rules, every two fiscal years. On or before June 30, 1998, and every other June 30 thereafter, each licensee shall file a report with the board certifying that he or she has met the minimum practical requirements, at the time the licensee files the application for renewal of his or her license to practice radiologic technology or radiation therapy.

3.1.3. Exceptions to Continuing Competence Requirements.

The Board shall exempt from the continuing competence requirements a licensee who qualifies for exceptions set forth in this rule.

3.1.3.1. A licensee who obtains a license for the first time in West Virginia during the first twelve months of any twenty-four (24) month reporting period shall complete twelve (12) hours in approved continuing education activities, as set forth in this rule, before the end of the current reporting period. A licensee who obtains a license for the first time in West Virginia during the second twelve (12) months of any twenty-four (24) month reporting period is exempt from the continuing education requirements for the entire reporting period.

3.1.3.2. A licensee who obtains a license for the first time in West Virginia during the first twelve months of any twenty-four (24) month reporting period shall engage in two hundred (200) clock hours of practical nursing practice, as set forth in this rule, before the end of the current reporting period. A licensee who obtains a license for the first time in West Virginia during the second twelve (12) months of any twenty-four (24) month reporting period is exempt from the minimum practice requirements for the entire reporting period.

3.1.3.3. A licensee who resides outside of West Virginia and who holds a current license to practice in a state other than West Virginia which also has mandatory continuing education is exempt from the continuing education requirements set forth in this rule. A licensee who claims this exception shall retain evidence of the out-of-state license. The licensee shall present such evidence to the Board upon request. A licensee who claims an exception from the continuing education requirements is not exempt from the requirement to file a report certifying that he or she has met minimum practice requirements, with the application for renewal of the license to practice in West Virginia as provided in subparagraph 3.1.2.1 of this rule.

3.1.3.4. A licensee who is enrolled, full time, in an educational program leading to an associate degree, diploma, or baccalaureate degree in radiologic technology or radiation therapy has complied with all continuing competence requirements.

3.1.3.5. A licensee who is a government employee working as a radiologic technologist or radiation therapy technologist and assigned to duty outside the United States during the entire reporting period, or who is serving on active duty in the military during the reporting period has complied with the all continuing competence requirements during the period of service with the government or on active duty with the military. A licensee who claims this exception shall retain evidence of Government service or active duty with the military and shall present such evidence to the board upon request. A licensee who is a government employee working as a licensee outside the United States or who is serving on active duty with the military for more than three (3) months, but less than twelve (12) months of any twenty-four (24) month reporting period is required to complete twelve (12) hours of approved continuing education activities, before the end of the current reporting period. A licensee who is a government employee working as a licensee outside the United States or who is serving on active duty with the military for more than twelve (12) months of any twenty-four (24) month reporting period is exempt from the continuing education requirements.

3.1.3.6. The board may grant a waiver to a licensee who has a physical or mental disability or illness or who is providing direct care to a member of his or her immediate family during all or a portion of the two (2) year reporting period. A waiver provides for an extension of time or exception from some or all of the continuing competence requirements. Any licensee may request an application for a waiver from the board. The board shall approve or deny an application for waiver after review of the application. The board shall not grant an exception from continuing competence requirements for more than one (1), two (2) year reporting period, as set forth in this rule.

3.1.4. Failure to meet requirements or exceptions to requirements.

The Board may take the following actions if a licensee fails to meet the continuing competence requirements or the conditions for exceptions for renewal.

3.1.4.1. The board may place the licensee on non-practicing status without penalty and may waive the continuing competency requirements, providing that the licensee notifies the board in writing of his or her desire to have the board place his or her license on non-practicing status before the last day of the reporting period. The Board shall not charge a fee to place the license on non-practicing status.

3.1.4.2. The board shall lapse the license of any person who fails to notify the board, in writing, prior to the last day of the reporting period that he or she wishes to place his or her license on the non-practicing status.

3.1.5. Reinstatement of a license on non-practicing or lapsed status or issuance of a limited license.

3.1.5.1. A person wishing to reinstate a license from non-practicing status or from lapsed status shall comply with the following requirements. The person shall:

- (a) make application for reinstatement of the license from non-practicing status or lapsed status,
- (b) meet the continuing competence requirements as set forth in this rule, and
- (c) pay the fee for reinstatement of non-practicing or lapsed license as specified in 10CSR4, Fees for Services Rendered by the Board.

3.1.5.2. A person who wishes to reinstate a license but is not able to meet requirements for reinstatement of a non-practicing or a lapsed license shall request a limited license.

3.1.5.2.1. A limited license is a license which is valid for ninety (90) days, during which time the licensee shall:

- (a) satisfactorily complete a refresher course recognized by an approved provider and designed for Radiologic Technologist/Radiation Therapy returning to practice after a period of absence from the work setting.

(b) secure twelve (12) contact hours of continuing education, or:

The board shall issue an unrestricted license when a licensee provides verification that he or she has met one of the above requirements. The board shall not renew a limited license issued for non-compliance with continuing competence requirements.

3.1.5.2.2. A licensee who does not meet requirements provided under this section for license, is required to pass the national licensure examination for Radiologic Technologist or Radiation Therapy which tests competency for beginning radiologic technologist or radiation therapy technologist.

3.2 Audit of Licenses.

The board may select any licensee who holds a current license to audit for compliance with continuing competence requirements.

3.2.1. To comply with the audit request from the board, a licensee shall submit legible copies of certificates of attendance at continuing education offerings, transcripts of courses taken, notices received from the board granting special approval of informal offerings from non-approved providers, and the name, telephone number and mailing address of his or her employer to verify radiologic technologist or radiation therapy practice. The board may require the licensee to submit a job description to verify his or her employment in a radiologic technologist or radiation therapy practice. The board may require the licensee to submit a job description to verify his or her employment in a radiology position or radiation therapy position which meets the requirements of subparagraph 3.1.2.1. of this rule.

3.2.2. The licensee shall submit the required documents within thirty (30) days of the date he or she receives notification of the audit. The board may grant an extension of time for submission of the documents, on an individual basis, and in cases of hardship, providing the licensee makes a written request for an extension of time and provides justification for such request.

3.2.3. Licensees are required to keep certificates of attendance at continuing education offerings, letters verifying special approval for informal offerings from non-approved providers, transcripts of courses, and documentation of compliance with exceptions for a three (3) year period following submission of continuing education activities to the board.

3.2.4. The board shall notify the licensee of the satisfactory completion of the audit.

3.2.5. If a person fails to submit the audit information requested by the board or meet standards in subparagraph 3.1.1. or 3.1.2. of this rule, the board shall not renew a license before such audit is completed.

3.2.6. The board shall take action as prescribed in 10CSR2, Policies Regulating the Licensure of the Radiologic Technologist and/or Radiation Therapy Technologist, against any licensee who submits false information to the board.

3.2.7. A licensee who fails to notify the board of a current mailing address is not absolved from the audit requirements. The board shall not renew a license before the audit is completed.

§18-6-4. Continuing Education - Providers.

4.1 The Board shall recognize as approved providers any agency which meets minimum provider standards in subparagraph 4.2 of these rules. Approved providers include, but are not limited to:

American Diabetes Association - State Affiliates
 American Heart Association - State Affiliates
 American Medical Association - State Affiliates
 American Nurses Association - State Affiliates
 American Psychological Association - State Affiliates
 American Red Cross - State Affiliates
 Boards of Nursing - United States and Territories
 Commission on Aging
 Licensed Practical Nurses Associated of West Virginia
 Medicare and Medicaid Certified Long Term Care Facilities
 National Association for Practical Nurse Education and Service
 National Federation of Licensed Practical Nurses
 National League for Nursing - State Affiliates
 North Central Association of Colleges and Secondary Schools
 West Virginia Council of Home Health Agencies
 West Virginia Department of Education
 West Virginia Department of Health
 West Virginia Health Care Association
 West Virginia Hospital Association

West Virginia Nurses Association
 West Virginia Vocational and Technical Education Centers
 Other West Virginia health-related licensing boards
 Other national, regional, or state nursing, medical, or allied health organizations

The Board shall accept courses and programs provided by accredited schools, colleges or universities and programs offered by institutions accredited by the Joint Commission on Accreditation of Health Care Organization or the American Association of Osteopathic Hospitals as well as facilities and agencies certified to receive medicare and medicaid reimbursement.

The Board shall consider written requests to designate other local, state or national agencies, organizations and associations as approved providers.

The Board shall maintain a current list of approval providers which shall be available to the public upon request. Providers who fail to meet the minimum acceptable provider standards shall be notified, in writing, of specific deficiencies and given a reasonable period of time to correct deficiencies. An approved provider who does not correct deficiencies within the specified time period may be removed from the list of approved providers.

4.2 Minimum Standards for Approved Providers.

4.2.1. The duration of the activity shall be least one (1) contact hour.

4.2.2. The provider shall prepare written objectives, in measurable terms, which describe what a licensee can expect to learn as designated by ARRT/ASRT guidelines.

4.2.3. The program content shall relate to the program objectives.

4.2.4. The provider shall furnish the instructor's qualifications in the subject areas to be taught to the participant, in writing, as designated by the ARRT/ASRT.

4.2.5. The provider shall establish a written method to determine whether the participant has achieved the stated objectives of the offering. Methods may include but are not limited to self-evaluation check lists or tests, as designated by the ARRT/ASRT.

4.2.6. The provider shall furnish a written statement of completion to each participant who satisfactorily completes each continuing education activity which is signed by the instructor or an individual designated by the instructor.

4.2.7. The provider shall give each participant a grade indicating satisfactory completion of each continuing education activity, as designated by ARRT/ASRT.

4.2.8. The provider shall maintain a record of individuals who attend a continuing education offering for a period of not less than three (3) years.

4.3 Independent Study.

4.3.1. Independent study activities may include mediated learning, such as educational television, audio cassettes, and printed media, designed as programmed learning units, as designated by ARRT/ASRT.

4.3.2. Contact hour equivalents for approved independent study shall be based on contact hours approved by the approved provider.

4.4 Self Study.

4.4.1. Self study, may include activities which the licensee determines will enhance skills and knowledge of nursing, such as reading professional journals, watching educational television and listening to audio cassettes that are not designed as programmed learning units, and are not approved by the approved provider, as designated by ARRT/ASRT.

4.4.2. The board shall base contact hour equivalents for self study on the actual time spent by the licensee approved by ARRT/ASRT.

4.4.3. The board will permit credit of a total of five (5) contact hours of self study toward the continuing education requirement for any two (2) year reporting period as designated by ARRT/ASRT.

4.5 Continuing Education Subjects.

4.5.1. Continued education offerings shall reflect the educational needs for the learner in order to meet the health care needs of the consumer and may consist of one or more of the following subject areas:

- 4.5.1.1. Radiology/radiation therapy practice areas and special health care problems;
 - 4.5.1.2. The biological, physical, social and behavioral sciences;
 - 4.5.1.3. The legal aspects of health care;
 - 4.5.1.4. Management of health care personnel and patient care;
 - 4.5.1.5. Teaching and learning process for health care personnel and patients;
 - 4.5.1.6. Subjects relating to nursing practice which are required as part of a formal radiology/radiation therapy programs and which are more advanced than those completed for original licensure.
- 4.5.1. The following activities are not acceptable for continuing education credit;
- 4.5.1.1. Job related clinical practice,
 - 4.5.1.2. development and presentation of programs as part of the licensee's on-going job responsibilities;
 - 4.5.1.3. orientation and update of policies and procedures specific to the licensee's employing facility; and
 - 4.5.1.4. activities which are part of a licensee's usual job responsibility.