

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Board of Examiners of Radiologic Technology TITLE NUMBER: 18

CITE AUTHORITY: W Va Code §30-23-1 et seq

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Continuing Education

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Deborah Smith

AUTHORIZED SIGNATURE

\$5.60

**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.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees for Services Rendered by the Board

Type of Rule: XXX Legislative ___ Interpretive ___ Procedure ___

Agency: WV Board of Examiners for Radiologic Technology Address: _____

Beckley, West Virginia

1996-97

1. Effect of Proposed Rule	Annual		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ None	\$ None	\$ None	\$ None	\$ None
Personal Services			\$23,288.00		
Current Expense			\$12,994.00		
Repairs and Alterations					
Equipment			\$5,050.00		
Other					

2. Explanation of above estimates.

Above expenses are actuals for the 1996-97 year. See attached sheet for projected increases and assumptions.

3. Objectives and these rules.

Increase fees, charges by the Board to cover costs of implementing Continuing Education requirements for renewal of licensure through Series 2, of Board rules being proposed.

Complete projections of revenue and expenditures through FY-2000 attached.

**AMERICAN SOCIETY OF RADIOLOGIC TECHNOLOGISTS
ENABLING/ENACTED CONTINUING EDUCATION - (As of July 1996)**

	MANDATORY	HOURS	YEARS	CE STANDARDS IDENTIFIED
Arizona	NO YES (Mammography)	Must show current ARRT card for renewal. 4 in Mammography	2	YES
California	NO Nuclear Medicine - 5 clock hours/Each Scope Mammography - 15 hours in Mammography	(Proposed - 24 hours/2 years)	5 3	NO YES
Colorado		ARRT and MQSA Requirements (Limited -None)		
Connecticut	NO			NO
Delaware	NO			
Florida	YES	12	2	YES
Hawaii	NO			YES
Illinois	YES	12 6 Limited	1 1	YES
Indiana	NO YES	10 Mammography	2	NO YES
Iowa	YES	24 General 12 Limited	2	YES
Kentucky	YES	18 General 12 Limited	2	YES
Louisiana	YES	24	2	YES
Maine	YES	24 (12 Cat.A/6 Modality)	2	YES
Maryland	YES	30	2	YES
Massachusetts	YES	20 2 Radiation Safety/8 each category licensed for Mammography 20 (12 in Mammography) (2 Radiation Safety, 6 Health care, Radiography or Mammography)	2 2	YES
Michigan (11/95)	YES	15 in Mammography	3	YES
Mississippi	YES	24	2	YES
Montana	NO	Copy of Current ARRT Card		NO
Nebraska	YES	24 (Current ARRT Card) 24 Limited	2	YES
Nevada	YES	15 in Mammography (At least 5 hours in 18 months)	3	YES
New Jersey	NO			YES
New Mexico	YES	20	2	YES
New York	YES	24 (Mammography - 12)	2	YES
Ohio	YES	6 Radiation Protection	2	YES

4/2/97
Legislat/Licens.Sta

**AMERICAN SOCIETY OF RADIOLOGIC TECHNOLOGISTS
ENABLING/ENACTED CONTINUING EDUCATION • (As of July 1996)**

	MANDATORY	HOURS	YEARS	CE STANDARDS IDENTIFIED
Oregon	YES	24	2	YES
Pennsylvania				
Puerto Rico				
Rhode Island	YES	10 (1-Radiation Protection) (5-Category A)	2	YES
Tennessee	YES	20	2	YES
Texas	YES	24 General * 12 Limited *	2 2	YES
Utah	YES	16 General 10 Limited Permit 16 Mammography (in Mammography)	2	(NOT YET)
Vermont	YES	24 General and Limited		YES
Virginia	NO		2	NO
Washington	NO			NO
West Virginia	NO			YES
Wyoming	YES	24	2	YES

* At least 50% of the required number of hours shall be satisfied by attendance and participation in instructor-directed activities.

No more than 50% of the required number of hours may be satisfied through verifiable independent self-study. These activities include reading materials, audio materials, audiovisual materials or a combination thereof which meet requirements in subsection (d) of Texas Rules and Regulations Relating to Medical Radiologic Technologist Certification.

MEMORANDUM

DATE: July 10, 1997

TO: Legislative Rule Making Committee

FROM: WV Radiologic Technology Board of Examiners

RE: Increase of Fees

It is through this correspondence that the West Virginia Radiologic Technology Board of Examiners, hereinafter referred to as "Board", request the Legislative Rule Making Committee to consider changes in W.V.Code 30-23-1 and consider the information provided as justification for such changes. The Board would like to offer the following comments for review:

Senate Bill 358 requested that the State Board communicate to licensees on an annual basis, as well as to legislative members. This annual report would be approximately 3300 reports going out. This would incur a cost related to labor of putting the annual report together plus the printing and mailing.

Senate Bill 358 also required the State Board to mandate continuing education tracking system with inspection. This incurs increased mailings, stationary, envelopes and labor intensity as well as computerized systems for tracking. Many of the technologists commented that the ARRT/ASRT has mandatory continuing education tracking for those who are registered or members of the professional organization, however only a small group of technologists belong to the ASRT and not all technologists in the state hold certification with the ARRT. The board still has a need for financial resources to assure that those who do and do not hold ARRT Certification met the continuing education requirements established by law.

In order to be more accessible to our licensees we would like to incorporate a WV State Board of Examiners Web page that would give licensees access to who is licensed in the State, to allow them to get an application, etc. We have often received criticism by those we license that we are not accessible to the needs of those we serve or that we do not do our perceived jobs. We do not have the money to accommodate full time assistant, to be available to a work force that has twenty-four hours, seven days a week, three hundred sixty-five days a year responsibility. Those who work hours outside normal business hours (permanent midnights or afternoons)

would be served if we have on-line access.

We currently only have one phone line, we do not have an 800 phone line or can we afford to have a second phone. We need to have a fax line as well as E-mail and a 1-800 number. The Board office recently moved to comply with ADA guidelines. Our former office did not meet the requirements for licensees to enter the building, therefore we have had to move to a new location. We have increased rental expenses, as well as operational costs for the new facility.

We are experiencing increased complaints regarding unlicensed personnel apply ionizing radiation to human beings without being qualified or licensed. These complaints require an investigator at \$45/hour plus expenses. Our board members all have full time jobs and can no longer keep up with the number of complaints, inspect radiography programs and do all that the law requires us to do without increased resources/finances. The biggest issue is the lack of training to conduct investigations, proper documentation requirements for the investigations, skills to interview, and conducting investigations requires in-depth knowledge of the laws. The Board Member's background do not include the investigative and legal requirements. The Board Member's expertise is in actual health care delivery. We admittedly struggle with carrying out the duties of the Board that relate in inspections, investigations, enforcement of the law, and instituting appropriate legal action. It is imperative that the Board position itself to better handle complaints with qualified resources.

Senate Bill 358 also gave the board members an opportunity to be paid per diem rate. The board has never received compensation other than travel reimbursement. We have historically only conducted two meetings per year, but the increased demands on the board is requiring an increased number of meetings and travel. We can no longer afford to do this work without compensation. It is only fair and fitting that this Board be compensated as other Boards are and per the opportunities allowed by Senate Bill #358.

The Board office is in need of updated equipment, a copier that will duplicate more than one page at a time and can take care of the demands of 3,500 members. Office furniture is needed, desks, chairs, files, conference table, etc.

The board is required to inspect 9 Radiologic Technology Educational Programs throughout the State. This requires overnight travel expenses for members to be a part of the radiography program inspections, that can be 1-2 days long. In order to keep current with changes that are required by the educational curriculum, it is necessary to send board members to training on an annual basis. In an effort to keep current with licensure issues throughout the States, the board would like to have at least one board member represent us at the CLEAR or FARB conference.

Some were upset that we did not mail to each and every member. The cost of mailing is approximately \$1.00 /licensee, this would have been an additional \$3,500.00, that the board did not have. We took great efforts to notify those who were licensed. We mailed to over 558

facilities/organizations. We put an ad in the professional magazine. The annual report went out in 1996 we informed the membership that changes were coming due as a result of Senate bill #358. We instructed the membership to call with any questions or suggestions that they may have about the development of the up coming changes. We spoke at the local and state professional societies to inform individuals of changes and requested input.

The field of Radiologic Technology has changed drastically over recent years. This field is more appropriately referred to as "Medical Imaging" and incorporated such subspecialties as Ultrasound, CT Scanning, MRI, Mammography, etc. Some of these subspecialties are regulated Federally and professionally different than the other. It is the Board's opinion that we need to look at all these related imaging modalities and develop a statute that would establish standards for all modalities of Medical Imaging. With this goal in mind, additional resources , at least on a consultation basis, would be necessary to assist the Board.

It was mentioned that we should incrementally increase the fees and not increase the entire amount at one time. However, knowing that the board has not made in changes since 1978, we do not wish to annually come back to this committee for changes that need to made. We know these changes will not become effective for several months and this allows the licensees to make adjustments. We have included information on other states and professions and we feel that we feel our justifications for the increase are clearly substantiated.

In closing, the increase in fees is to keep current with the daily operational costs to better serve our licensees and the public of West Virginia. As a Board, we unanimously support moving forward with the proposed changes, taking into consideration the few comments generated by the membership by written or oral comment from the public hearing.

If you need further information, please feel free to give us a call at the Board Office at 304-787-4398. Thank you for your consideration.

/jc

DATE: May 9, 1997

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Board of Examiners of Radiologic Technology

LEGISLATIVE RULE TITLE: Fees for Services Rendered by the Board

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)

July 23, 1997

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

Mary Casto 304-256-6985 787-4398

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 to 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 Chiropractic Association
 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.**