

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

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

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 NEW RULE BEING PROPOSED: 02

TITLE OF RULE BEING PROPOSED: Continuing Education

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 329

SECTION 64-9-25(a), PASSED ON March 14, 1998

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: May 1, 1998

Tom Swyer, RT(R)
Chairman

\$4.80

West Virginia Radiologic Technology Board of Examiners

P. O. BOX 638
1715 FLAT TOP ROAD
COOL RIDGE, WV 25825
PHONE: (304)787-4398 - FAX: (304)787-4398

PROMULGATION HISTORY CONTINUING EDUCATION

1. NOTICE OF PUBLIC HEARING FILED IN STATE REGISTER ON MAY 9, 1997.
2. PUBLIC HEARING WAS HELD ON JUNE 10, 1997.
3. LEGISLATIVE RULE FILED IN THE STATE REGISTER ON JULY 30, 1997.
4. APPEARED BEFORE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE ON JANUARY 13, 1998.
5. RE-FILED LEGISLATIVE RULES IN STATE REGISTER ON JANUARY 20, 1998.
6. APPEARED BEFORE HOUSE GOVERNMENT ORGANIZATION COMMITTEE ON FEBRUARY 12, 1998.
7. APPEARED BEFORE SENATE FINANCE COMMITTEE FEBRUARY 26, 1998.

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

FILED
APR 3 10 29 AM '98
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 2
CONTINUING EDUCATION

§18-2-1. General.

1.1 Scope. -- This legislative rule establishes requirements for continuing education to practice radiologic technology or radiation therapy. They set forth Continuing Education Requirements for both the American Registry of Radiologic Technologist (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.

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

1.3 Filing Date. --

1.4 Effective Date. --

§18-2-2. Definitions.

2.1 "Approved academic course" means a formal course of study offered by an accredited postsecondary educational institution as it relates to the radiological sciences.

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

2.3 "Audit" means the selection of licensees for verification of satisfactory completion of continuing education 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.

2.4 "Biennium" means a two year period.

2.5 "Category A credit" means an educational activity that has been evaluated and approved by a Recognized Continuing Education Evaluation Mechanism (RCEEM). 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.

2.6 "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 Recognized Continuing Education Evaluation Mechanism (RCEEM).

2.7 "Contact hour or continuing education activity" means a unit of measure as explained in section 3.1.

2.8 "Contact person" means a person submitting Request for Approval Form.

2.9 "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.

2.10 "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.

2.11 "Continuing education credit" means credit earned for completing a continuing education activity.

2.12 "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.

2.13 "Documentation" means proof of participation in a

continuing education activity.

2.14 "Evidence of Continuing Education Program" means a comprehensive American Society of Radiologic Technology (ASRT) program providing technologists with continuing educational activities as well as a method of tracking them. All ASRT members are automatically enrolled in the Evidence of Continuing Education (ECE) program.

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

2.16 "Homestudy or self-learning activity" means a stand-alone program 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 any other publication.

2.17 "Independent study" means a program of learning designed by an approved provider for the Radiologic Technologist or Radiation Therapy Technologist who completes the program at the individual's pace, e.g., home study, programmed instruction.

2.18 "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.

2.19 "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.

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

2.21 "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.

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

2.23 "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.

2.24 "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.

2.25 "Record keepers" means organizations that track continuing education credits for technologists.

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

2.27 "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 continuing education (CE) credits.

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

2.29 "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.

§18-2-3. Continuing Education.

3.1 Each applicant for renewal of a license, if the license is currently active, or reinstatement of a license if a license is suspended 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 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 = Cardio-pulmonary resuscitation (CPR) certification by American Red Cross or American Heart Association.
- (d) 1 academic semester hour = limited to 16 ce's/semester. Must receive a C or higher in approved academic course.
- (e) 1 academic quarter hour = limited to 12 ce's/quarter. Must receive a C or higher in approved academic course.

3.2 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.

3.3 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.

3.4 The Board will recognize examination exceptions as defined by the ARRT as satisfying continuing education requirements for the two-year period at issues.

- (a) 24 credits = Passing an entry-level examination in a discipline not previously passed.
- (b) 24 credits = Passing an advanced-level examination for which you are eligible.

3.5 During the calendar year, 1999, each licensed Radiologic Technologist and Radiation Therapist Technologist with an active license to practice radiology or radiation therapy in West Virginia shall complete a minimum of twelve (12) hours of continuing education as approved by this rule

3.5.1 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, 1999.

3.5.2 ARRT licensee shall submit only the ARRT copy of certification renewal to the Board of Examiners.

3.6 After the above one year phase-in period, each licensee with an active license to practice radiologic technology or radiation therapy in West Virginia shall complete twenty-four (24) hours of continuing education, every two fiscal years. On or before 1999, and every year thereafter, each Grand fathered licensee shall file a report of all continuing education activities with the board at the time the licensee files an application for renewal of his or her license to practice radiology or radiation therapy in West Virginia.

3.7 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.

§18-2-4 Exceptions to Continuing Education Requirements.

4.1 The Board shall exempt from the continuing education requirements a licensee who qualifies for exceptions set forth below.

(a) 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.

(b) 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.

(c) 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 must be the same or substantially similar continuing education requirements.

(f) A licensee who is enrolled in an educational program leading to an associate degree, diploma, or baccalaureate degree in radiologic technology or radiation therapy has complied with all continuing education requirements.

(g) 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 education 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.

(h) 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 education 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 education requirements for more than one (1), two (2) year reporting period, as set forth in this rule.

§18-2-5 Failure to meet requirements or exceptions to requirements.

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

5.2 The board may place the licensee on non-practicing status without penalty and may waive the continuing education 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.

5.3 The board shall suspend 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.

§18-2-6 Reinstatement of a license on non-practicing or suspended status or issuance of a temporary license.

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

- (a) make application for reinstatement of the license from non-practicing status or suspended status,
- (b) meet the continuing education requirements as set forth, and
- (c) pay the fee for reinstatement suspended license as specified in 18CSR1, Fees for Services Rendered by the Board.

6.2 A person who wishes to reinstate a license but is not able to meet requirements for reinstatement a suspended license shall request a temporary license.

6.3 A temporary 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 Technologist returning to practice after a period of absence from the work setting.
- (b) secure twelve (12) contact hours of continuing education, or:

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

6.5 A licensee who does not meet requirements provided under this section for license, is required to pass the national certification examination for Radiologic Technologist or Radiation Therapy Technologist which tests competency for beginning Radiologic Technologist or Radiation Therapy Technologist.

§18-2-7 Audit of Licenses.

The board may select any licenses who holds a current license to audit for compliance with continuing education requirements as set forth in this rule.

7.1 To comply with the audit request from the board, a licensee shall submit legible copies of certificates of attendance at continuing education offerings.

7.2 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.

7.3 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.

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

7.5 If a person fails to submit the audit information requested by the board, the board shall not renew a license before such audit is completed.

7.6 The board shall take action as prescribed in 18CSR1, Policies Regulating to Licensure of the Radiologic Technologist and/or Radiation Therapy Technologist, against any licensee who submits false information to the board.

7.7 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.

§18-2-8 Continuing Education - Providers.

8.1 The Board shall recognize approved providers. Approved providers include, but are not limited to:

- (a) American Diabetes Association - State Affiliates

- (b) American Heart Association - State Affiliates
- (c) American Medical Association - State Affiliates
- (d) American Nurses Association - State Affiliates
- (e) American Psychological Association - State Affiliates
- (f) American Red Cross - State Affiliates
- (g) Boards of Nursing - United States and Territories
- (h) Commission on Aging
- (i) Licensed Practical Nurses Associated of West Virginia
- (j) Medicare and Medicaid Certified Long Term Care Facilities
- (k) National Association for Practical Nurse Education and Service
- (l) National Federation of Licensed Practical Nurses
- (m) National League for Nursing - State Affiliates
- (n) North Central Association of Colleges and Secondary Schools
- (o) West Virginia Chiropractic Association
- (p) West Virginia Council of Home Health Agencies
- (q) West Virginia Department of Education
- (r) West Virginia Department of Health
- (s) West Virginia Health Care Association
- (t) West Virginia Hospital Association
- (u) West Virginia Nurses Association
- (v) West Virginia Vocational and Technical Education Centers
- (w) Other West Virginia health-related licensing boards
- (x) Other national, regional, or state nursing, medical, or allied health organizations

8.2 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.

§18-2-9 Minimum Standards for Approved Providers.

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

9.2 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.

Provider seeking approval shall provide the following:

- A. The duration of the activity.
- B. The provider shall prepare written objectives, in measurable terms, which describe what a licensee can expect to learn as designated by ARRT/ASRT guidelines.
- C. The program content shall relate to the program objectives.
- D. 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.
- E. 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.
- F. 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.
- G. The provider shall give each participant a grade indicating satisfactory completion of each continuing education activity, as designated by ARRT/ASRT.
- H. The provider shall maintain a record of individuals

who attend a continuing education offering for a period of not less than three (3) years.

§18-2-10. Independent or self-study.

10.1 Independent or self 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.

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

10.3 Independent or 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.

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

10.5 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.

§18-2-11. Continuing Education Subjects.

11.1 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:

(a) Radiology/radiation therapy practice areas and special health care problems;

(b) The biological, physical, social and behavioral sciences;

- (c) The legal aspects of health care;
- (d) Management of health care personnel and patient care;
- (e) Teaching and learning process for health care personnel and patients;
- (f) 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.

§18-2-12 The following activities are not acceptable for continuing education credit;

- (a) job related clinical practice,
- (b) development and presentation of programs as part of the licensees on-going job responsibilities;
- (c) orientation and update of policies and procedures specific to the licensee's employing facility; and
- (d) activities which are part of a licensee's usual job responsibility.

H. B. 4192

1 Bill-Rad

2 (By Delegates Hunt, Linch, Compton, Jenkins,
3 Faircloth and Riggs)

4 [Introduced January 30, 1998; referred to the
5 Committee on Government Organization then the
6 Judiciary.]

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8
9
10 A BILL to amend article nine, chapter sixty-four of the
11 code of West Virginia, one thousand nine hundred
12 thirty-one, as amended, by adding thereto a new
13 section, designated section twenty, relating to
14 authorizing the board of examiners of radiologic
15 technology to promulgate a legislative rule relating
16 to continuing education.

17 *Be it enacted by the Legislature of West Virginia:*

18 That article nine, chapter sixty-four of the code of
19 West Virginia, one thousand nine hundred thirty-one, as
20 amended, be amended by adding thereto a new section,
21 designated section twenty, to read as follows:

22 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND**
23 **BOARDS TO PROMULGATE LEGISLATIVE RULES.**

1 §64-9-20. Board of examiners of radiologic technology.

2 The legislative rule filed in the state register on
3 the thirtieth day of July, one thousand nine hundred
4 ninety-seven, under the authority of section five, article
5 twenty-three, chapter thirty, of this code, modified by the
6 board of examiners of radiologic technology to meet the
7 objections of the legislative rule-making review committee
8 and refiled in the state register on the twentieth day of
9 January, one thousand nine hundred ninety-eight, relating
10 to the board of examiners of radiologic technology
11 (continuing education, 18 CSR 2), is authorized.

12

13 NOTE: The purpose of this bill is to authorize the
14 Board of Examiners of Radiologic Technology to promulgate
15 a legislative rule relating to Continuing Education.

16
17 This section is new; therefore, strike-throughs and
18 underscoring have been omitted.

Senate Bill No. 332

1.8-2

1 (By Senator(s) Ross, Anderson, Bowman,
Macnaughtan, Boley and Buckalew)

2 [Introduced January 30, 1998; referred to the
3 Committee on Health and Human Resources; and
4 then to the Committee on the Judiciary.]
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