

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2007 AUG -1 AM 11:26

OFFICE OF THE SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Medical Imaging & Radiation Therapy Technology Board of Examiners TITLE NUMBER: 18

RULE TYPE: Interpretative CITE AUTHORITY: W. Va. Code § 32-23-1 et seq. & § 30-1-1

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Practice of Radiologic Technology

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 4, 2007 AT 9:00 am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV MI & RTT BOARD OF EXAMINERS

PO BOX 638

1715 FLAT TOP ROAD

COOL RIDGE, WV 25825-0638

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

#3.20

SUMMARY OF THE RULE

THIS SERIES 6 RULE OF THE WEST VIRGINIA MEDICAL IMAGING & RADIATION THERAPY TECHNOLOGY BOARD OF EXAMINERS (BOARD) IS BEING REVISED DUE TO CHANGES IN THE W. VA. CODE DURING THE 2007 LEGISLATIVE SESSION.

THE BOARD'S NEW NAME IS INSERTED & THE BOARD'S INTERPRETATION OF WHO CAN PERFORM FLUORO EXAMINATIONS IS INCLUDED.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: PRACTICE OF RADIOLOGIC TECHNOLOGY

Type of Rule: Legislative Interpretive Procedural

Agency: WV MEDICAL IMAGING & RADIATION THERAPY TECH. BD. OF EXAMINERS

Address: PO BOX 638
1715 FLAT TOP ROAD
COOL RIDGE, WV 25825-0638

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

Fiscal Note Summary

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

THIS RULE WILL NOT HAVE ANY FISCAL IMPACT ON THE COST AND REVENUES OF STATE GOVERNMENT.

Fiscal Note Detail

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

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

Rule Title: _____

Rule Title: PRACTICE OF RADIOLOGIC TECHNOLOGY

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

N/A

MEMORANDUM

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

THIS RULE DEFINES THE BOARD'S INTERPRETATION OF THE PRACTICE OF RADIOLOGIC TECHNOLOGY.

Date: 8/1/07

Signature of Agency Head or Authorized Representative



FILED

TITLE 18
INTERPRETATIVE RULE
WEST VIRGINIA RADIOLOGIC MEDICAL IMAGING AND RADIATION THERAPY
TECHNOLOGY BOARD OF EXAMINERS

2007 AUG 1 AM 11:26

SERIES 6
PRACTICE OF RADIOLOGIC TECHNOLOGY

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE**§ 18-6-1. General.**

1.1. Scope. -- The West Virginia Legislature has declared that the public should be protected from excessive and improper exposure to ionizing radiation. The West Virginia Radiologic Medical Imaging and Radiation Therapy Technology Board of Examiners has the responsibility to establish the minimum standards of education, training and experience to ensure that the public is properly protected. Radiologic Technology is defined in W. Va Code ~~§ 30-23-2 (j)~~ § 30-23-4 (t) as "the application of ionizing radiation or **assisting** in the application of ionizing radiation medical imaging to human beings for diagnostic or therapeutic purposes ~~under the supervision of a licensed practitioner as prescribed by a licensed practitioner~~".

1.2. Authority. -- W.Va. Code § 30-23-1 *et seq.* and § 30-1-1 *et seq.*

1.3. Filing Date. --

1.4. Effective Date. --

§ 18-6-2. Application.

This rule applies to all licensees and permittees under W.Va. Code § 30-23-1 *et seq.*

§ 18-6-3. Definitions.

The following word as used in this rule has the following meaning, unless the context otherwise requires:

3.1. "Board" means the West Virginia Radiologic Medical Imaging and Radiation Therapy Technology Board of Examiners.

§ 18-6-4. Interpretative Ruling

This Interpretative Ruling was approved by the Board at the March 25, 2004 Board meeting and revised at the June 12, 2007 Board meeting. ~~and~~ The Board has determined that the procedures for the Practice of Radiologic Technology shall include, but not necessarily be limited to, the following:

18CSR6

- 4.1 Generating or initiating any radiation exposure;
- 4.2 Setting the exposure factors (time, distance, voltage & current);
- 4.3 Positioning the patient for an examination;
- 4.4 Positioning the equipment in order to expose the proper body part. This explicitly applies to intra-operative/intra-procedural manipulation/positioning of the equipment;
- 4.5 Selecting the proper image receptor;
- 4.6 Select proper safety factors (example - shielding and collimation)
- 4.7 Verifying that the exposure has produced an adequate image for diagnosis.
- 4.8 Fluoro is to be performed only under the direct supervision of a West Virginia licensed physician, with the exception of spotting of the terminal ileum by a properly trained, licensed radiographer. Direct supervision is defined as a West Virginia licensed physician being in the room or by live remote audio / video.