

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

Do Not Mark In This Box

FILED

2004 MAR 30 A 9:22

Form #2

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

RULE TYPE: Interpretative CITE AUTHORITY: W.Va. Code § 30-23-1 et seq. and § 30-1-1 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: 6

TITLE OF RULE BEING PROPOSED: Practice of Radiologic Technology

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON May 1, 2004 AT 9:00 am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV RT Board of Examiners

1715 Flat Top Road

P.O. Box 638

Cool Ridge, WV 25825-0638

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: PRACTICE OF RADIOLOGIC TECHNOLOGY

Type of Rule: _____ Legislative Interpretive _____ Procedural

Agency: West Virginia Radiologic Technology Board of Examiners

Address: 1715 Flat Top Road

PO Box 638

Cool Ridge, WV 25825-0638

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of Above Estimates:
NO INCREASE OR DECREASE OF FUNDS

3. Objectives of These Rules:
ESTABLISH CONSISTENT GUIDELINES FOR THE PRACTICE OF RADIOLOGIC TECHNOLOGY.

Rule Title: PRACTICE OF RADIOLOGIC TECHNOLOGY

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:
NONE

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of
Citizens: NONE

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

Date: MARCH 29, 2004

Signature of Agency Head or Authorized Representative:

Sam Dwyer, RT

SUMMARY OF THE RULE PRACTICE OF RADIOLOGIC TECHNOLOGY

THE DEFINITION OF THE PRACTICE OF RADIOLOGIC TECHNOLOGY IN THE W. Va CODE IS VAGUE AND AMBIGUOUS. THE BOARD, AT THEIR MARCH 25, 2004 MEETING, APPROVED THIS DOCUMENT AND ITS FILING AS AN INTERPRETATIVE RULE WITH THE SECRETARY OF STATE.

THIS RULE WILL ALLOW THE MEDICAL FACILITIES, RADIOLOGIC TECHNOLOGIST AND PUBLIC TO UNDERSTAND THE PROCEDURES THE BOARD HAS DETERMINED CONSTITUTES THE PRACTICE OF RADIOLOGIC TECHNOLOGY. IT ALSO STATES THAT AN ALLEGED VIOLATION OF THE PRACTICE OF RADIOLOGIC TECHNOLOGY WILL BE EVALUATED ON A CASE BY CASE BASIS.

FACTS

THE DEFINITION OF THE PRACTICE OF RADIOLOGIC TECHNOLOGY IN THE W. Va CODE IS VAGUE AND AMBIGUOUS. THIS RULE IS BEING FILED TO ALLOW FOR CONSISTENCY IN THE PRACTICE OF RADIOLOGIC TECHNOLOGY.

TITLE 18
INTERPRETATIVE RULE
WEST VIRGINIA RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS

FILED

2004 MAR 30 A 9:22

SERIES 6
PRACTICE OF RADIOLOGIC TECHNOLOGY

OFFICE 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 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) as “the application of ionizing radiation or **assisting** in the application of ionizing radiation to human beings for diagnostic or therapeutic purposes under the supervision of 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 Technology Board of Examiners.

§ 18-6-4. Interpretative Ruling

The procedures for the Practice of Radiologic Technology shall include, but not necessary be limited to, the following:

- 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.