



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

6/8/2015 12:47:26 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY **Medical Imaging And Radiation Therapy Technology Board Of Examiners**
RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES 18-01**
RULE NAME **Rules Of The West Virginia Medical Imaging And Radiation Therapy Technology Boards
Of Examiners**
CITE AUTHORITY **§30-23-5**

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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Nancy A Godby -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 18-01



Rule Id: 9723



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

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CITE AUTHORITY **§30-23-5**

PRIMARY CONTACT

Nancy A Godby
ADDRESS LINE 1
ADDRESS LINE 2
CITY, STATE ZIP

SECONDARY CONTACT

Sharon E Bleau
ADDRESS LINE 1 SECONDARY
ADDRESS LINE 2 SECONDARY
CITY SECONDARY, STATE SECONDARY ZIP SECONDARY

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CITE AUTHORITY **§30-23-5**

AUTHORIZING STATUTE(S) CITATION
§30-23-5

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD
Friday, March 06, 2015

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?
**Posted to the home page of the website of the West Virginia Medical Imaging & Radiation Therapy
Technology Board of Examiners (Board). Also, mailed a Public Notice Post Card to each individual active
licensee found in the Board's database based on a dataset of information pulled on March 6, 2015 at
11:49am.**

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED
Wednesday, April 01, 2015

**Nancy A Godby -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 2)

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ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,
AMENDMENTS, REASONS FOR AMENDMENTS.

Attached

DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE
FOLLOWING PUBLIC HEARING: (BE EXACT)

Monday, June 08, 2015

**Nancy A Godby -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. GIVE THE DATE UPON WHICH YOU FILED IN THE STATE REGISTER A NOTICE OF THE TIME AND PLACE OF A HEARING FOR THE TAKING OF EVIDENCE AND A GENERAL DESCRIPTION OF THE ISSUES TO BE DECIDED.

Nancy A Godby -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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DATE OF HEARING OR COMMENT PERIOD

Wednesday, April 01, 2015

**ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS
REQUIRED TOGETHER WITH THE REASONS THEREFOR?**

Monday, June 08, 2015

ATTACH FINDINGS AND DETERMINATIONS AND REASONS

Attached

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Nancy A Godby -- By my signature, I certify that I am the person authorized to file legislative rules, in
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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Medical Imaging And Radiation Therapy Technology Board Of Examiners**
RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** TITLE-SERIES **18-01**
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CITE AUTHORITY §30-23-5

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

The West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners (Board) does not anticipate any financial impact as a result of the proposed Rule change.

The "state only exam" fee is paid to the thrid party exam provider. The proposed Rule change that increased the state only exam fee is not expected to have an impact on the Revenue or Expenses of the Board.

The proposed \$100.00 fee for Board administered exams is expected to offset the cost of the Board for preparation, administration, travel and reporting of results.

Nancy A Godby -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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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.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Nancy A Godby -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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**3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE
ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.
NONE.**

**Nancy A Godby -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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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.

NONE

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Nancy A Godby -- By my signature, I certify that I am the person authorized to file legislative rules, in
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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

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CITE AUTHORITY **§30-23-5**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Grammatical changes were made throughout the document.

Fee changes were made at:

§18-1-4.m 4.7, k.: strikethrough \$100.00 and added "fee set by Board approved third party administrator", currently increased from \$100.00 to \$140.00.

§18-4-4., 4.7. 1/" added Board administered Exam Fee \$100.00".

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Nancy A Godby -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 18-01



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**TITLE 18
LEGISLATIVE RULES
RADIOLOGIC TECHNOLOGISTS**

**SERIES 1
WEST VIRGINIA MEDICAL IMAGING AND
RADIATION THERAPY TECHNOLOGY BOARD OF EXAMINERS**

§18-1-1. General provisions.

1.1 Scope. -- Except as otherwise specifically provided, this rule applies to all persons in West Virginia who apply medical imaging and radiation therapy or assist in the application of medical imaging or radiation therapy to human beings for diagnostic or therapeutic purposes under the supervision of a licensed practitioner. This rule establishes the general requirements for licensure of Medical Imaging and Radiation Therapy Technologist in West Virginia.

1.2 Authority. -- W. Va. Code § 30-23- 5

1.3 Filing Date. – ~~March 31, 2008~~ _____

1.4 Effective Date. – ~~April 15, 2008~~ _____

§18-1-2. Definitions.

As used in this rule:

a. "Ionizing Radiation (X-Ray)" means any type of radiation which, during its interaction with matter, can cause the formation of an ion pair. This ionizing radiation is used to generate an exposure for diagnostic or therapeutic purposes.

b. "JRCERT" means the Joint Review Committee on Education in Radiologic Technology.

c. "JRCNMT" means the Joint Review Committee on Educational Programs in Nuclear Medicine Technology.

d. "Reciprocity" means the granting of a license ~~or temporary permit~~ to persons who hold a license or certificate in another state.

e. "Temporary Permit" means a permit granted and issued by the Board for the practice of radiologic technology which is limited in duration.

f. "Unethical Conduct" means, but is not limited to:

1. Engaging in the practice of medical imaging or radiation therapy while in an intoxicated condition, and/or under the influence of narcotic or any other drugs which impair consciousness, judgement or behavior;
2. Immoral conduct while engaged in the practice of medical imaging or radiation therapy technology or behavior indicating an unfitness to practice medical imaging or radiation therapy technology;
3. Willful falsification, destruction or theft of property or records relating to the practice of medical imaging or radiation therapy technology;
4. Failure to exercise due regard for the safety of the life or health of the patient;
5. Unauthorized disclosure of information relating to a patient or his or her records;
6. Discrimination in the practice of medical imaging or radiation therapy technology against any person for reason of race, religion, creed, color or national origin;
7. Violating the provisions of the Rules of the Board; or
8. The grounds enumerated in W. Va. Code § 30-23-24(a)(3).

§18-1-3. Board functions.

3.1 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 is the duty of the Board to carry out the provisions of the law to the best of its ability.

§18-1-4. Licenses, apprentice licenses and temporary permits.

4.1 Application for licenses, apprentice licenses and temporary permits.

a. The Board shall furnish any person requesting an application for a license, apprentice license or temporary permit the necessary forms, and any other information or questionnaires as the Board considers 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, except any renewal applications submitted on-line. An Applicant who submits a renewal application on-line by credit card payment is considered to have signed the application.

d. The application shall be accompanied by a money order, certified check, or a personal check. Any application or renewal application may be paid by certain credit cards which have been approved by the Board .

e. If an applicant fails to complete all forms and to provide all information, the Board shall reject and return the application to the applicant.

f. The Board shall deny a license to any person knowingly furnishing false information in an application. ~~or if~~ If the applicant has already been licensed before the falsification of the information has been made known to the Board, the license, apprentice license or temporary permit is subject to suspension or revocation. In addition, the Board may undertake prosecution of the applicant pursuant to W.Va. Code § 30-23-28.

4.2 Issuance of licenses, apprentice licenses and temporary permits.

a. The Board shall issue to each applicant a license, apprentice license or a temporary permit within thirty (30) days of receipt of a properly completed application and payment of the appropriate fee.

b. Licenses and apprentice licenses are valid for a period of one (1) year and expire at the end of the month from the date of issuance.

c. An apprentice license for an individual practicing in Nuclear Medicine or Magnetic Resonance Imaging as of July 1, 2007, may be renewed no more than four (4) times as stipulated in W. Va. Code § 30-23-19 (b)

d. A licensed Medical Imaging Technologist cross-training in Nuclear Medicine or Magnetic Resonance Imaging may renew his or her apprentice license ~~once~~ as stipulated in W. Va. Code § 30-23-19 (c).

e. A licensee shall renew his or her license annually without examination by applying for renewal on a form prescribed by the Board or by on-line renewal with the payment by a Board approved credit card. If submitted by U.S. mail, the licensee is responsible for obtaining, completing, signing and forwarding the renewal application to the Board with the required fee and documentation of their Continuing Education (CE) as required by the Board's rule, CONTINUING EDUCATION, 18CSR2. For on-line renewals the Board shall attempt to verify Continuing Education. If the Continuing Education information cannot be obtained, the Board shall notify the licensee that the required documentation of Continuing Education compliance must be submitted to the office before the Board issues the renewal license.

f. The Board may deny an application for renewal for any reason which would justify the denial of an original application for a license.

g. The Board shall assess a fee for reinstatement of an expired license.

h. The Board shall only issue temporary permits to individuals who have completed training in Radiologic Technology or Nuclear Medicine Technology:

1. An applicant for a temporary permit shall present evidence of graduation from a Board approved School of Radiologic Technology or Nuclear Medicine Technology. This evidence may be a diploma or a notarized letter from the school's program director stating the applicant has completed the course's education and clinical requirements.

2. An applicant for a temporary permit may apply to the Board for a permit up to six (6) months after graduation from a Board approved School of Radiologic Technology or Nuclear Medicine Technology. After six (6) months, the applicant must show proof of passage of a Board approved registration examination and apply for a permanent WV License.

3. The Board shall issue the temporary permit based on the date of application and payment of the required fee. The effective dates of the temporary permit will be for a period of twenty-four (24) weeks or six (6) months from the date that the Board's office receives the application and fees. Temporary permits may not be renewed or extended.

4.3 Reciprocity.

a. The Board may consider reciprocity with other states on an individual basis.

b. The Board shall not honor a license issued to a person by another state in lieu of a license issued by the Board.

c. A licensee who violates laws regulating radiologic technologists in any other state while he or she is visiting or residing in another state shall be considered guilty of unethical conduct by the Board.

4.4 Responsibilities of licensees and permittees.

a. It is the responsibility of each licensee or permittee to be familiar with the requirements of the law regulating the practice of Medical Imaging and Radiation Therapy in West Virginia and with the rules of the Board.

b. It is the responsibility of each licensee or permittee to make timely application for a license, apprentice license or renewal of license, to complete the forms

properly, to submit the required Continuing Education documentation, and to pay the fees required, and to hold himself or herself available for examination at the times and places designated by the Board. Any information or reminders which the Board may issue are courtesies and shall not diminish the responsibilities of the licensee or permittee.

4.5 Display of license or temporary permit.

a. Each licensee or permittee shall prominently display at his or her principal place of employment his or her original, current license, apprentice license or temporary permit to practice medical imaging or radiation therapy technology. A photocopy of the original, current license may be displayed at the licensee or permittee's secondary place of employment. The wallet-sized card issued with the license is not acceptable for display.

b. A licensee shall exhibit a current licensure or renewal registration card when requested by the following:

1. A Board member or an employee of the Board;
2. Any person upon whom the licensee applies medical imaging or radiation therapy; or
3. An employer in whose employ the licensee practices or intends to practice medical imaging or radiation therapy technology.

c. An employer, Board member or Board employee shall not accept a photocopy or other facsimile of a license or wallet-sized card as the only evidence that a person is licensed to practice medical imaging or radiation therapy technology. Where, for convenience or security, a photocopy or facsimile is displayed, the original document shall be readily available for review.

4.6 Duplicate license.

a. In requesting a name change, the licensee shall return the current license or permit to the Board after making a copy for posting with the required fee and court documentation showing the new name prior to issuance of a corrected license or permit.

b. When requesting a duplicate license or permit due to loss of license or permit, a licensee shall submit a notarized statement substantiating the loss to the Board with the required fee prior to issuance of a duplicate license or permit.

4.7 Schedule of fees for services rendered by the West Virginia Radiologic Medical Imaging & Radiation Therapy Technology Board of Examiners.

a.	Application Fee	\$100.00
b.	Annual Renewal Fee	\$ 65.00
c.	All Temporary Permits Fee	\$ 40.00
d.	Reinstatement Fee (delinquent)	\$ 25.00
e.	Return Check Fee	Maximum allowable by West Virginia State Code
f.	Reciprocity Fee	\$ 40.00
g.	Duplicate License	\$ 15.00
h.	Change of Name	\$ 15.00
i.	Roster of Active Licenses	\$ 50.00
j.	Mailing Labels (Name and Address/per 750 or portion thereof)	\$ 50.00
k.	WV State Only Examination Fee	\$100.00
		<i><u>Fee set by Board approved third party administrator</u></i>
<u>l.</u>	<u>Board administered Exam Fee</u>	<u>\$100.00</u>

4.8 Presumptive penalties

a. The Board shall considered the following disciplinary sanctions as presumptive penalties to be imposed in all cases of first time violations of the provisions of this section of this rule, unless extenuating circumstances require otherwise:

1.	Person working without being issued a license	\$ 1,000.00
2.	Aiding and abetting a person working without being issued a license	\$ 1,000.00
3.	Technologist working on an expired license	\$ 500.00
4.	Facility allowing technologist to work on an expired license	\$ 500.00
5.	Technologist not having license posted at their primary workplace	\$ 100.00
6.	Facility not posting license in patient's viewable area	\$ 100.00

§18-1-5. Educational Requirements for applicants for licensure.

5.1. Standards for an approved school shall follow the current standards as established by the JRCERT, JRCNMT, or standards determined programmatically equivalent by the Board.

5.2. Before any new school of Medical Imaging or Radiation Therapy Technology begins operation in West Virginia, it shall make application to the Board and submit a needs assessment survey. Upon approval of the school by the Board, the school shall then submit an application to the JRCERT, JRCNMT, or equivalent as determined by the Board, to begin the accreditation process.

5.3. All approved schools of Medical Imaging and Radiation Therapy Technology shall submit a copy of their Accreditation program annual report to the Board at the same time required by their ~~accrediting~~ accrediting body.

5.4. The Board may require additional program assessment data as considered necessary.