

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 24.204.501 permit application)
types, 24.204.504 practice limitations,)
24.204.507 course requirements,)
24.204.511 permit examinations,)
24.204.607 code of ethics, and)
24.204.2301 unprofessional conduct)

TO: All Concerned Persons

1. On July 16, 2009, the Board of Radiologic Technologists (board) published MAR Notice No. 24-204-36 regarding the public hearing on the proposed amendment of the above-stated rules, at page 1089 of the 2009 Montana Administrative Register, issue no. 13.

2. On August 7, 2009, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the August 17, 2009, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: Two commenters expressed concerns about the proposed changes to ARM 24.204.501, stating that the board provided no rationale for needing to increase educational requirements for limited permit holders. One commenter is concerned about the cost and dislocation of doing clinicals in larger hospitals in order to meet the standards. A commenter noted that in 2009, the American Registry of Radiologic Technologists (ARRT) called for associate degrees by 2015 for radiography, nuclear medicine technology, and radiation therapy certification, and that the federal Consistency, Accuracy, Responsibility and Excellence in Medical Imaging and Radiation Therapy (CARE) bill is no longer before Congress.

RESPONSE 1: The board concluded that the proposed increase in educational requirements corresponds to the changing technology in the profession and that limited permit holders must obtain the education needed for public safety. The proposed rules are consistent with the industry i.e., digital radiology, computed radiology, radiation protection, new technology, and equipment.

The board acknowledges that the CARE bill is no longer before Congress and is aware of the ARRT proposal for associate degrees by 2015.

COMMENT 2: A commenter stated that ARM 24.204.507(1) requires board-approved courses to meet ARRT educational standards for limited permit holders,

but noted that the ARRT sets standards for certification and registration, not education. The commenter suggested the board amend (1) to clarify this.

Commenters suggested deleting (1)(a) as redundant and amending (1)(b) because it is confusing. Three commenters noted that ASRT sets the educational standards.

RESPONSE 2: The board agrees that the ASRT is the entity that sets educational standards and is amending the rule for clarity. The board is aware that (1)(a) may be viewed as redundant, but decided to keep it in the rule. The board is amending (1)(b) for consistent use of the term "limited permit holder."

COMMENT 3: A commenter stated that many hospitals did not respond to the board's query about providing training for students, and that procedure, not hours, is a better measure for numbering competencies. Another commenter stated that the checklist for demonstrating competencies should be published in the board's administrative rules and not simply included with the limited permit application.

RESPONSE 3: Following discussion, the board decided to amend the rule by removing "hours" from ARM 24.204.507(3)(a) through (g). The competencies checklist will be included with the application to reflect the requirements of the rule.

COMMENT 4: A commenter suggested adding "correspondence or online courses" to (1) and then deleting (8) from ARM 24.204.507 to avoid redundancy in the rule.

RESPONSE 4: Noting that the board reserves the independent ability to review and approve online courses, the board is amending the rule for clarity.

4. The board has amended ARM 24.204.501, 24.204.504, 24.204.511, 24.204.607, and 24.204.2301 exactly as proposed.

5. The board has amended ARM 24.204.507 with the following changes, stricken matter interlined, new matter underlined:

24.204.507 COURSE REQUIREMENTS FOR LIMITED PERMIT

APPLICANTS (1) Course providers shall receive board approval for correspondence or online course(s), prior to offering the courses outlined below and shall submit a request for reapproval every two years thereafter. The provider shall submit for the board's review, a course outline, agenda, and the identification and qualifications of all instructors. ~~Board approved courses must meet American Registry of Radiologic Technologists (ARRT) educational standards for limited permit holders~~ Board approved course content must be compliant with American Registry of Radiologic Technologists (ARRT) recognized curriculum.

(a) remains as proposed.

(b) All instructors shall be ARRT certified or ~~licensed~~ limited permit holders in the state of Montana. Approved course providers, instructors, or designees with five years experience include: radiologic technologists, limited permit holders, radiologic

practitioner assistants/radiologist assistants, podiatrists, radiologists, and chiropractors.

(2) and (3) remain as proposed.

(a) chest - four hours, and passing competencies - ten ~~hours~~ actual;

(b) extremities - eight hours, and passing upper extremities competencies - five ~~hours~~ actual and passing lower extremities competencies - five ~~hours~~ actual;

(c) spine - eight hours, and passing competencies - ten ~~hours~~ actual;

(d) skull - eight hours, and passing competencies - ten ~~hours~~, of which five may be simulated;

(e) abdomen - four hours, and passing competencies - ten ~~hours~~ actual;

(f) GI tract and associated overhead films - eight hours, and passing competencies - ten ~~hours~~, all of which may be simulated; and

(g) positioning - eight hours, and passing competencies - ten ~~hours~~ actual.

(4) through (7) remain as proposed.

~~(8) Verifiable correspondence or on-line course(s) are subject to board approval.~~

(9) remains as proposed but is renumbered (8).

BOARD OF RADIOLOGIC
TECHNOLOGISTS
CHARLES MCCUBBINS, CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State January 4, 2010