

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.204.501 permit application) PROPOSED AMENDMENT
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 August 7, 2009, at 10:00 a.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Radiologic Technologists (board) no later than 5:00 p.m., on July 31, 2009, to advise us of the nature of the accommodation that you need. Please contact Helena Lee, Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2385; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrts@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.204.501 LIMITED PERMIT APPLICATION - TYPES (1) and (2) remain the same.

(a) graduates of ~~the 88-hour~~ a minimum 104-hour board approved course set forth in ARM 24.204.507; or

(b) through (4) remain the same.

(5) Upon passage of the examination, ~~the license applicant shall submit the appropriate original license fee~~ the license is issued. Applicants who fail the examination must make a request to the board to be registered for the examination again and pay the examination fee.

AUTH: 37-1-131, 37-14-202, 37-14-306, MCA

IMP: 37-14-305, 37-14-306, MCA

REASON: The board determined it is reasonably necessary to increase the educational requirements for limited permit applicants throughout the rules to keep pace with national trends. Pending federal legislation requires a bachelor's degree

for limited permit holders. While acknowledging the potential federal changes, the board concluded that a bachelor's degree is excessive and unnecessary for safe provision of functions at this entry level of practice.

The board concluded that requiring a minimum 104-hour course will ensure that permit holders have demonstrated competency in high quality imaging procedures and further protect the public health, welfare and safety. The board is amending ARM 24.204.501, 24.204.504, 24.204.507, and 24.204.511 accordingly. The board is amending (5) to address questions from applicants by clarifying the timing of license issuance and the necessary steps to take if an applicant fails an examination. Implementation cites are being amended to accurately reflect all statutes implemented through this rule.

24.204.504 PERMITS - PRACTICE LIMITATIONS (1) and (2) remain the same.

(3) Limited permit holders who completed the ~~88-hour~~ 104-hour training are not authorized or permitted to perform fluoroscopy procedures due to the difficulty in monitoring, limiting, and controlling the accumulative doses of ionizing radiation.

(4) through (4)(d) remain the same.

(5) If a student of a radiologic technologist program accredited by a mechanism recognized by the ~~ARRT~~ American Registry of Radiologic Technologists (ARRT) has completed the first two semesters of the program or its equivalent, as determined by the board, and has become a limited permit holder, that person may perform procedures while operating portable fluoroscopy equipment and may be compensated as long as the student is not performing procedures for course credit and has completed the clinical time requirements.

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-14-301, 37-14-306, MCA

REASON: The board is amending this rule to clarify when students may be compensated for performing radiologic procedures. The board concluded the amendment is necessary to address numerous questions received at the board office on this issue.

24.204.507 COURSE REQUIREMENTS FOR LIMITED PERMIT APPLICANTS (1) Course providers shall receive board approval 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.

(a) Courses that meet the requirements of this rule shall be board approved.

(b) All instructors shall be ARRT certified or licensed 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) The course shall be ~~40~~ 56 hours in length and consist of the following:
 - (a) fundamentals of radiobiology;i
 - (b) imaging equipment;i
 - (c) fundamentals of radiation protection;i
 - (d) fundamentals of x-ray physics;i
 - (e) radiographic technique and principles of radiographic exposure;i
 - (f) darkroom procedures;i
 - (g) interrelationship of the radiographic chain, (i.e. technique vs. darkroom procedures);i
 - (h) adverse contrast reaction;i
 - (i) medical, legal and ethical - four hours;
 - (j) radiation safety - eight hours; and
 - (k) image production and evaluation - film critique - four hours.
- (3) ~~An Additional course~~ courses and clinical competencies to include anatomy, physiology, positioning, pathology, x-ray technique, and proper handling of trauma patients, shall be required for the applicant to qualify for examination in each of the specified limited x-ray procedures. Course length and clinical competencies is specified for each limited x-ray procedure: are:
 - (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) Demonstration of competence includes: requisition evaluation, patient assessment, room preparation, patient management, equipment operation, technique selection, position skills, radiation safety, image processing, and image evaluation.
- (5) Demonstration of clinical competence means that the approved course providers, instructors, or designee have observed the limited permit applicant performing the procedure, and that the applicant performed the procedure independently, consistently, and effectively. Applicants must demonstrate competence as outlined in (3) in the categories the applicant is requesting to be authorized to take x-ray procedures in.
- (6) A board approved checklist for demonstration of competencies will be included with the downloadable application.
- (7) At no time may the applicant initiate ionizing exposure during performance of the clinical competencies.
- ~~(4)~~ (8) A portion of the required classroom hours may be substituted by a verifiable Verifiable correspondence or on-line course course(s) are subject to board approval. The portion of required classroom hours completed by correspondence may not exceed 40 percent of the total hours required for examination(s) requested by the applicant.

~~(5) (9)~~ To be exempt under 37-14-301, MCA, from obtaining a permit, ~~an eight-hour course in darkroom procedures shall be completed by any person performing only darkroom procedures~~ must complete an eight-hour course in darkroom procedures.

AUTH: 37-1-131, 37-14-202, MCA
IMP: 37-14-301, 37-14-306, MCA

REASON: The board determined it is reasonably necessary to increase the educational requirement for limited permit applicants throughout the rules to keep pace with national trends. The board also concluded that requiring a minimum 104-hour course in accordance with the American Registry of Radiologic Technologists' educational standards for limited permit holders will ensure that permit holders have demonstrated competency in high quality imaging procedures and further protect the public health, welfare and safety. Therefore, the board is amending this rule to specifically delineate the increased educational standards regarding minimum 104-hour course requirements and acceptable demonstration of an applicant's clinical competencies.

The board is adding (7) to this rule to specify the board's intention that applicants are not allowed to initiate ionizing exposure during performance of their clinical competencies. The board determined that because an applicant has not passed the national exam at this point and is not licensed, it is reasonably necessary to set forth this prohibition for clarification.

The board is also amending this rule to allow limited permit applicants to obtain some coursework on-line. The board determined that some excellent educational offerings are available on-line and the options for applicants should be expanded.

24.204.511 PERMIT EXAMINATIONS (1) All limited permit applicants shall take and pass the ~~ARRT~~ American Registry of Radiologic Technologists (ARRT) limited scope core examination.

(a) through (vii) remain the same.

(2) In addition to the ARRT limited scope core examination, ~~88-hour~~ 104-hour course graduates shall complete a module examination for selected anatomic regions in which the applicant desires to be permitted.

(a) through (5) remain the same.

(6) Applicants for an ~~88-hour~~ 104-hour course permit who fail any portion of the ARRT limited scope examination (core or any module examination) on two attempts shall be required to successfully complete additional coursework in the failed area(s) of the examination before being allowed to retake the failed portion(s) of the examination a third time.

(a) On a case-by-case hardship basis, the board may allow an unsuccessful applicant to receive tutoring in lieu of the additional ~~course work~~ coursework. A tutor must have at least five years experience as a licensed radiologic technologist and possess a current ARRT card or be a limited permit holder with five years experience and a current limited permit license. Limited permit holders cannot tutor radiologic technologists. The tutor must submit for board approval the tutor's

qualifications and an outline of the materials and topics to be studied by the applicant under the instruction of the tutor. The applicant is responsible for paying all costs associated with the tutorial.

(7) through (10) remain the same.

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-1-131, 37-14-306, MCA

REASON: The board is amending this rule to clarify that limited permit holders may qualify to tutor unsuccessful limited permit applicants. The board concluded that since a limited permit holder may be the designee for the demonstrated clinical competency, an experienced limited permit holder would also qualify to be a tutor for other limited permit applicants.

24.204.607 CODE OF ETHICS (1) The board adopts and incorporates by reference the ~~July 2003~~ August 1, 2008 edition of the code of ethics ~~adopted~~ by the ARRT American Registry of Radiologic Technologists (ARRT).

(2) through (4)(g) remain the same.

AUTH: 37-1-131, 37-14-202, 37-14-313, MCA

IMP: 37-1-131, 37-14-313, MCA

REASON: The board is amending this rule to update the reference to the most current version of the ARRT code of ethics as adopted and incorporated by the board. Implementation cites are being amended to accurately reflect all statutes implemented through this rule.

24.204.2301 UNPROFESSIONAL CONDUCT (1) through (1)(f) remain the same.

(g) failing to comply with the provision of Title 37, chapter 14, MCA, or any rule promulgated thereunder; ~~and~~

(h) presenting a tampered or fraudulently produced American Registry of Radiologic ~~Technologist~~ Technologists (ARRT) pocket card and/or certificate for application or renewal purposes; ~~and~~

(i) performing a radiologic technologist procedure (other than a screening mammogram) without an order from a licensed provider.

AUTH: 37-1-131, 37-1-319, 37-14-202, MCA

IMP: 37-1-131, ~~37-1-307~~, 37-1-316, MCA

REASON: The board determined it is reasonably necessary to amend this rule by adding to the actions considered by the board as unprofessional conduct. The board, through its screening panel, recently reviewed two complaints involving licensees performing x-rays without an order. To better protect public health, safety, and welfare, the board is amending this rule to enable the board to adequately address complaints of this nature in the future.

Authority and implementation cites are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdrts@mt.gov, and must be received no later than 5:00 p.m., August 17, 2009.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.radiology.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Radiologic Technologists maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdrts@mt.gov, or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Anne O'Leary, attorney, has been designated to preside over and conduct this hearing.

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 July 6, 2009