

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

In the matter of the amendment of)
ARM 24.204.401 and 24.204.404)
fees, 24.204.409 military training,)
24.204.507 course requirements for)
limited permit applicants, and)
24.204.607 code of ethics, and the)
repeal of 24.204.2115 renewals)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT AND
REPEAL

TO: All Concerned Persons

1. On November 19, 2015, at 9:00 a.m., a public hearing will be held in the 4th floor large conference room, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and repeal 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 November 13, 2015, to advise us of the nature of the accommodation that you need. Please contact Jason Steffins, Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2329; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrts@mt.gov (board's e-mail).

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

<u>24.204.401 FEE SCHEDULE</u> (1) remains the same.	
(a) Application fee - radiologic technologist (includes temporary permit if requested)	\$ 60 <u>100</u>
(b) Original license fee	30
(c) <u>(b)</u> Renewal license fee - radiologic technologist	<u>50</u> <u>75</u>
(d) remains the same but is renumbered (c).	

AUTH: 37-1-131, 37-1-134, 37-14-202, MCA
IMP: 37-1-134, 37-1-141, 37-14-305, 37-14-306, MCA

REASON: The board determined it is reasonably necessary to increase application and renewal fees in this rule and ARM 24.204.404 to comply with 37-1-134, MCA, and ensure that board fees provide the amount of money usually needed for the operation of the board for its services. Costs associated with board programs, including rent, staffing and legal costs, contractor fees for board inspections, etc. have increased over the past 15 years. In providing administrative

services to the board, the department has advised that unless licensure fees are increased as proposed, the board will have a shortage of operating funds by the end of fiscal year 2016. The board has not increased fees since 2000.

The board proposes to increase efficiencies in new application processing in both rules by eliminating separate fees for original licenses for radiology technologist licensees and permit holders. The board is amending both rules to combine application and renewal fees into a single application fee with a slight overall fee increase.

The board estimates that the proposed increase in fees will affect approximately 1,560 licensees and applicants, and increase annual revenue by approximately \$36,035.

Authority citations in ARM 24.204.404 are being amended to accurately reflect the complete sources of the board's rulemaking authority.

24.204.404 PERMIT FEES

(1) Application fee	\$45 <u>100</u>
(2) remains the same.	
(3) Original license fee	40
(4) (3) Renewal fee	40 <u>60</u>
(5) remains the same but is renumbered (4).	

AUTH: 37-1-131, 37-1-134, 37-14-202, ~~37-14-306~~, MCA

IMP: 37-1-134, 37-1-141, 37-14-305, 37-14-306, MCA

24.204.409 MILITARY TRAINING OR EXPERIENCE (1) and (2) remain the same.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a radiologic technologist. At a minimum, satisfactory evidence ~~shall include~~ includes:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) through (4) remain the same.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: The board has been advised that certain military personnel (i.e., reservists and national guardsmen who have never been activated) do not receive a DD 214 form upon discharge. The board is amending this rule to allow applicants who wish to have the board consider evidence of relevant military training, service, or education for licensing purposes to submit alternative discharge documentation.

24.204.507 COURSE REQUIREMENTS FOR LIMITED PERMIT APPLICANTS (1) through (1)(b) remain the same.

(2) The course shall be ~~56~~ a minimum of 104 hours in length and ~~consist of the following~~ shall include:

- (a) through (3) remain the same.
- (a) chest - minimum four hours, and passing competencies - ten actual;
 - (b) extremities - minimum eight hours, and passing upper extremities competencies - five actual and passing lower extremities competencies - five actual;
 - (c) spine - minimum eight hours, and passing competencies - ten actual;
 - (d) skull - minimum eight hours, and passing competencies - ten, all of which ~~five~~ may be simulated;
 - (e) abdomen - minimum four hours, and passing competencies - ten actual;
 - (f) GI tract and associated overhead films - eight hours, and passing competencies - ten, all of which may be simulated; and
 - (g) positioning - minimum eight hours, and passing competencies - ten actual.
- (4) through (8) remain the same.

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

REASON: The board is amending this rule to address instructor and applicant questions by specifying the total number of minimum required hours as 104 hours in sum for course work and competencies. For the same reasons, the board is also amending this rule to clearly identify that the rule articulates minimum standards per competencies, which must be met to fulfill coursework and competency requirements.

The board is amending (3)(d) to change competencies required for skull x-ray techniques from actual to simulated x-ray evaluations. The board concluded this change is necessary to address concerns that opportunities available for applicants to fulfill the requirement for actual competencies are limited and that the requirement is impractical and prevents otherwise qualified applicants from meeting licensure requirements.

24.204.607 CODE OF ETHICS (1) The board adopts and incorporates by reference the August 1, ~~2008~~ 2013 edition of the code of ethics by the American Registry of Radiologic Technologists (ARRT).

(2) through (4) 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 determined it is reasonably necessary to amend (1) to adopt and incorporate by reference the most recently published version of the ARRT code of ethics.

4. The rule proposed to be repealed is as follows:

24.204.2115 RENEWALS found at ARM page 24-23195.

AUTH: 37-1-141, 37-14-202, MCA

IMP: 37-1-141, MCA

REASON: The board determined it is reasonably necessary to repeal the rule because it is redundant to provisions in department rule and therefore unnecessary.

5. 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., November 27, 2015.

6. An electronic copy of this notice of public hearing is available at www.radiology.mt.gov (department and board's web site). 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.

7. The board 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 that 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.

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

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.204.401, 24.204.404, 24.204.409, 24.204.507, and 24.204.607 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.204.2115 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request 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 (board e-mail).

10. Graden Hahn, attorney, has been designated to preside over and conduct this hearing.

BOARD OF RADIOLOGIC
TECHNOLOGISTS
MIKE NIELSEN, RPA, BOARD CHAIR

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 19, 2015