

RULES AND REGULATIONS
FOR THE
LICENSURE OF RADIOGRAPHERS,
NUCLEAR MEDICINE TECHNOLOGISTS AND
RADIATION THERAPISTS
(R5-68-RAD)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

June 1995

As amended:

November 2001

January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

November 2003

INTRODUCTION

These *Rules and Regulations For Licensing of Radiographers, Radiation Therapists and Nuclear Medicine Technologists (R5-68-RAD)* are promulgated pursuant to the authority set forth in section 5-68-4 of the General Laws of Rhode Island, as amended, and are established for the purpose of establishing minimal requirements for the licensing of radiographers, radiation therapists and nuclear medicine technologists.

Pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, the following issues have been given consideration in arriving at the regulations in the best interest of the public health and welfare: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) significant economic impact on small business as defined in Chapter 42-35 of the General Laws. No known overlap or duplication, no alternative approach nor any significant economic impact was identified.

These rules and regulations shall supersede any previous rules and regulations pertaining to the licensure of radiographers, radiation therapists and nuclear medicine technologists promulgated by the Department of Health and filed with the Secretary of State.

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PART I ***Definitions and Licensure Requirements***

Definitions

Wherever used in these rules and regulations, the terms listed below shall be construed as follows:

- 1.1 **"Board"** means the Board of Radiologic Technology.
- 1.2 **"Certified dental assistant"**, for the purposes of these rules and regulations, means an individual who successfully completed a course in dental radiography which is offered by an education institution with a program accredited by the Commission on Dental Accreditation.
- 1.3 **"Department"** means the Rhode Island Department of Health.
- 1.4 **"Director"** means Director of the Department of Health.
- 1.5 **"Financial interest"** means being:
 - a) A licensed practitioner of radiologic technology; or
 - b) A person who deals in goods and services that are uniquely related to the practice of radiologic technology; or
 - c) A person who has invested anything of value in a business that provides radiologic technology services.
- 1.6 **"License"** means a written authorization issued by the Department authorizing an individual to perform diagnosed and/or therapeutic radiologic procedures on humans.
- 1.7 **"Licensed practitioner"** or **"licensed practitioner of the healing arts"** means an individual licensed to practice medicine, osteopathy, chiropractic, or podiatry in this state.
- 1.8 **"National organization"** means a professional association, approved by the Board, that examines, registers, certifies or approves individuals in education programs relating to operators of sources of radiation.
- 1.9 **"Nuclear medicine technology"** means the act of giving a radioactive substance to a human being for diagnostic purposes, or the act of performing associated procedures, or both.
- 1.10 **"Operator"** or **"operator of sources of radiation"** means any individual, other than a licensed practitioner of the healing arts, who uses or operates a source(s) of radiation.
- 1.11 **"Radiation therapy technology"** means the direct application of ionizing radiation to human beings for therapeutic purposes.
- 1.12 **"Radiography"** means the direct application of ionizing radiation to a human being for diagnostic purposes.

- 1.13 **"Radiologic technology"** includes the practice of:
radiography; or
nuclear medicine technology; or
radiation therapy technology.
- 1.14 **"Radiologist"** means a licensed practitioner practicing within the field of radiology.
- 1.15 **"Regionally accredited"** means the official guarantee that a college or university or other educational institution is in conformity with the standards of education prescribed by a regional accrediting commission recognized by the U.S. Commissioner of Education.
- 1.16 **"Sources of radiation"** means any substance or device emitting or capable of producing ionizing radiation, for the purpose of performing human therapeutic or diagnostic radiologic procedures.
- 1.17 **"State"** refers to the State of Rhode Island and Providence Plantations.
- 1.18 **"Student"** means an individual enrolled in a course of study for medicine or radiologic technology.
- 1.19 **"Supervision"** means:
- (a) **"Direct personal supervision"** means supervised by and in the physical presence of a radiologist or licensed operator;
 - (b) **"Direct supervision"** means supervised by a radiologist or licensed operator who is at all times available in the individual's place of employment;
 - (c) **"General supervision"** means supervised by a radiologist or licensed operator who is available but not necessarily within the individual's place of employment.

Section 2.0 ***License Requirement***

- 2.1 No person shall practice radiography, nuclear medicine technology or radiation therapy or represent themselves as such, unless they are licensed under Chapter 5-68 of the General Laws of Rhode Island, as amended, and these rules and regulations, except as otherwise provided.
- 2.2 Nothing in these rules and regulations is intended to limit, preclude or otherwise interfere with the practice of other persons and health care providers licensed by appropriate agencies of Rhode Island.
- 2.3 These rules and regulations do not prohibit a person enrolled in an approved school of radiologic technology, under the direct supervision of a board certified radiologist or a licensed radiologic technologist, from performing those duties essential for completion of a student's clinical service.
- 2.4 These rules and regulations are not intended to supersede the mammography rules and regulations promulgated pursuant to section 23-17-32 of the General Laws of Rhode Island, as amended.

Other Licensing Provisions

- 2.5 The license issued by the Department shall describe the licensed person as a "licensed radiographer", a "licensed nuclear medicine technologist" or a "licensed radiation therapist", licensed by the Rhode Island Department of Health.
- 2.6 Unless licensed as a "licensed radiographer", a "licensed nuclear medicine technologist" or a "licensed radiation therapist" under the radiologic technology act, no person shall use any title or abbreviation to indicate that the person is a licensed radiologic technologist.
- 2.7 A valid license issued pursuant to Chapter 5-68 and these rules and regulations shall be carried on the person of the radiologic technologist while performing the duties for which said license is required.

Section 3.0 ***Licensing by Training and Examination***

- 3.1 Any person desiring to become a licensed radiographer, a licensed nuclear medicine technologist and/or a licensed radiation therapist shall make application to the Board on a written form and in such manner as the Board prescribes, pay all the required application fees and furnish evidence to the Board that the applicant:
 - a) Has successfully completed a training program approved by the Joint Review Committee on Educational Programs in Radiology Technology, the Joint Review Committee on Educational Programs in Nuclear Medicine, programs housed in institutions accredited by the New England Association of Schools and Colleges (NEASC), or programs housed in institutions that are regionally accredited; or;
 - b) Has successfully completed a training program conducted by the Armed Forces of the United States of America provided that educational preparation and training is equal to or greater than the professional educational requirements described in section 3.1 a) above and;

- c) Has passed the examination given by the American Registry of Radiologic Technologists, or the Nuclear Medicine Technology Certification Board and;
- d) Is of good moral character.

Section 4.0 ***Graduate Practice***

- 4.1 Any graduate of a training program approved by the Board under section 3.0 who has filed a completed application (which includes all documents except for examination scores) for licensing shall be recognized upon receiving a receipt from the Department as a "graduate technologist." This shall authorize the applicant to practice that branch of radiologic technology applied for, until the examination is successfully completed and the results of the exam are distributed and acted upon by the Board, but in no case shall it exceed ninety (90) days. In the event that the candidate shall fail the examination, all privileges issued under this graduate status shall be revoked. The graduate practice privilege to work ninety (90) days shall not be extended or renewed. During this period of graduate practice, the graduate shall identify himself/herself only as a "graduate technologist."

Section 5.0 ***Licensing by Endorsement***

- 5.1 The Board shall waive the education and examination requirements for applicants who present proof of current licensure in a state that has standards at least equal to those for licensure in Rhode Island as determined by the Board. The Department shall issue a license in the appropriate category to any person who has been working in the field of radiologic technology as a nuclear medicine technologist, or as a radiation therapist, or as a radiographer, who is in good standing in the alternate jurisdiction and who submits the required application and fee in accordance with section 8.0 herein.

Section 6.0 ***Limited License***

- 6.1 For persons who have been issued a limited license, duties and responsibilities shall include the following:
 - a) depending upon their level of professional training and experience, as determined by a supervising licensed practitioner, may practice radiologic technology consistent with their expertise and that of the supervising licensed practitioner and;
 - b) may practice radiologic technology only under the direct supervision of a licensed practitioner or a licensed radiologic technologist and;
 - c) may not supervise others in the performance of radiologic technology.

Duration of Limited License

- 6.2 A limited license shall be valid only during the period of time that the licensee remains in the employ of the supervising licensed practitioner named on the original application for a limited license.

6.3 A limited license is transferable, for the same limitations that it was originally issued, to a new supervising licensed practitioner upon the approval of the Board. Each holder of a limited license shall be responsible to submit to the Board, upon change of employment status and upon re-employment, a signed statement from his/her new supervising licensed practitioner identifying the licensee's duties and responsibilities.

6.4 A valid limited license may be renewed biennially as described in section 9.0.

Section 7.0 *Exemptions*

7.1 The provisions of the preceding sections shall not apply to:

- a) A radiologist certified or eligible for board certification from the American Board of Radiology.
- b) A licensed practitioner when practicing within his or her field of expertise.
- c) Students of medicine, when under the general supervision of an instructor who is a radiologist board certified or eligible for board certification and when acting within the scope of practice.
- d) A dentist, licensed dental hygienist, or certified dental assistant when practicing within his/her field of expertise.
- e) Podiatry assistants who have received a "certificate of completion" from the Community College of Rhode Island or other equivalent training approved by the Board on an individual basis, after having taken and passed the course on "radiography for podiatry assistance" and when acting within the practice of podiatry.

Section 8.0 *Application For License And Fees*

8.1 Application for licensure shall be made on forms provided by the Department and shall be completed, notarized and submitted to the Department not less than thirty (30) days prior to the scheduled date of the Board meeting by applicants seeking licensure.

8.2 Such application shall be accompanied by the following documents and fee:

- a) For U.S. BORN applicants:
a certified or notarized copy of birth certificate.
For FOREIGN BORN applicants:
Proof of lawful entry into the country and eligibility for employment in the United States.
- b) Be of Good Moral Character:
Signed statement on application.
- c) Photographs:
a recent identification photograph of the applicant, head and shoulder front view approximately 2 x 3 inches in size;

- d) Resume:
a chronological resume of experience;
- e) Verification (applicants licensed in another state):
the board of radiologic technology in each state in which the applicant has held or holds licensure shall submit directly to the Department, a statement attesting to the licensure status of the applicant during the time period the applicant held licensure in said state;
- f) Transcripts:
supporting certified transcript of educational credentials as required in the appropriate section of 3.0 herein, signed by the registrar of the school or approved radiologic program, verifying the dates of attendance and completion of the appropriate program or by filing an original statement from the American Registry of Radiologic Technologist's (ARRT) or the Nuclear Medicine Technology Certification Board (NMTCB) verifying that the applicant is a graduate of an educational program approved by the ARRT or the NMTCB. Such documentation must be sent directly from the school, ARRT or NMTCB to the Department. Transcripts must consist of original statements and/or photocopies bearing the signature of the program director and the imprint of the school seal;
- g) Examinations:
the results of any required examination under section 3.0 must be submitted directly to the Department.
- h) Fees:
An application fee of sixty-two dollars and fifty cents (\$62.50) made payable to the General Treasurer, State of Rhode Island (non-returnable nor non-refundable) shall be paid at the time the application is filed.
- i) Other:
Such other information as may be deemed necessary and appropriate by the Board.

Section 9.0 ***Issuance and Renewal of License and Fee***

- 9.1 Upon completion of the aforementioned requirements and at the recommendation of the Board the Department shall issue a license to those applicants found to have satisfactorily met all the requirements herein. Said license unless sooner suspended or revoked shall expire on the first day of August of each odd numbered year and may be renewed upon submission of the license renewal fee.
- 9.2 For radiographer, nuclear medicine technologist and radiation therapist the license renewal fee shall be sixty-two dollars and fifty cents (\$62.50) each.
- 9.3 On or before the first day of July of each odd-numbered year, the Department shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the current licensure period. Every person so licensed who desires to renew his or her license shall file with the Department such renewal application duly executed, together with the renewal fee on or before the thirty-first day of July of each odd numbered year.
- 9.4 Upon receipt of such application and payment of said fee, the Department shall grant a

renewal license effective the first day of August, and expiring on the thirty-first day of July of the next odd-numbered year.

Section 10.0 *Continuing Education*

- 10.1 Each renewal application shall contain a statement signed by the licensee attesting to the completion of at least twenty-four (24) hours continuing education courses, clinics, lectures, training programs, seminars, or other programs related to the licensee's specific license category of radiography, nuclear medicine technology or radiation therapy. At least two (2) of the twenty-four (24) credits of continuing education must be specifically related to radiation protection. Furthermore, at least twelve (12) of the twenty-four (24) credits of continuing education must be completed within Category A, Formal Programs, as set forth hereunder.
- 10.1.1 Any licensee who attests to current registration and certification by the American Registry of Radiologic Technologists (ARRT) at the time of license renewal shall be deemed to have met the continuing education requirements of section 10.1 herein.
- 10.1.2 Any licensee who wishes to renew his/her license and who is currently in the ARRT "retired" status shall be required to complete the continuing education requirements described herein as a condition of licensure renewal.
- 10.2 An individual holding more than one license as a "licensed radiographer" a "licensed radiation therapist" and/or a "licensed nuclear medicine technologist" need earn only twenty-four (24) continuing education credits per biennium.
- 10.3 It shall be the sole responsibility of the individual technologist to obtain documentation from the approved sponsoring organization of his or her participation in a continuing education program and/or activity. Furthermore, it shall be the sole responsibility of the licensee to safeguard the documents for review by the Board, if required. These documents shall be retained by each licensee for no less than four (4) years and are subject to random audit by the Department.
- 10.4 Failure to provide such evidence shall constitute grounds for revocation, suspension, or refusal to renew such license.
- 10.5 An extension of time to complete the continuing education requirements may be granted to a licensed radiographer, a licensed radiation therapist and/or a licensed nuclear medicine technologist solely at the discretion of the Board for reasons of hardship or other extenuating circumstances.

Approval of Category A, Formal Programs

- 10.6 Any continuing education program relevant to radiology technology or nuclear medicine and to be applied as continuing education credits under Category A, Formal Programs, shall receive prior Board approval with the exception however of the following continuing education programs:
- a) Programs reviewed and approved by a Recognized Continuing Education Evaluation Mechanism (RCEEM);

- b) Activities meeting American Registry of Radiologic Technologist's (ARRT) or the Nuclear Medicine Technology Certification Board's (NMTCB) definition of an Approved Academic Course;
- c) Cardio-Pulmonary Resuscitation (CPR) training approved by the American Red Cross or the American Heart Association;
- d) Activities which have been approved by the American Medical Association (AMA Category I) or the American Nurses Association (ANA) through the American Nurses Credentialing Center (ANCC) as long as they are relevant to the radiologic sciences;
- e) Activities approved by another state licensing board which meet ARRT or NMTCB criteria.

Approval of Category B Programs

- 10.7 Category B programs shall be any legitimate continuing education activity relevant to the radiologic sciences that are not a Category A, Formal Program, and meet the definition of a continuing education activity of the ARRT or the NMTCB.

Section 11.0 Denial, Suspension, Revocation, and Reinstatement of Licenses

- 11.1 The Board may recommend refusal, suspension or revocation of any license in accordance with the procedures set forth in the Administrative Procedures Act for any of the following causes:
- a) fraud in the procurement of any license under the Act and the rules and regulations herein;
 - b) imposition of any disciplinary action upon a person by any agency of another state which regulates radiologic technology but not to exceed the period or extent of such action;
 - c) conviction of a crime which substantially relates to the qualifications, functions or duties of a radiologic technologist. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction;
 - d) impersonating or acting as a proxy for an applicant in an examination for registration in the field of radiologic technology;
 - e) habitual or excessive use of intoxicants or drugs;
 - f) gross negligence in his or her practice as a radiologic technologist;
 - g) violating any of the radiologic technology act or any rules or regulations adopted under that act or aiding or abetting any person to violate the provisions of or any rules or regulations adopted under the Act and the rules and regulations herein;
 - h) engaging in unprofessional conduct; or
 - i) committing any fraudulent, dishonest or corrupt act which is substantially

related to the qualifications, functions, or duties of a radiologic technologist.

- 11.2 One year from the date of revocation of a license under the radiologic technology act, application may be made for reinstatement, restoration or modification of probation. The Board shall have the discretion to accept or reject any application for such reinstatement.

Section 12.0 ***Rules Governing Practices and Procedures***

- 12.1 All hearings and reviews required under the provisions of Chapter 5-68 of the General Laws of Rhode Island, as amended, shall be held in accordance with the provisions of the *Rules and Regulations of the Rhode Island Department of Health Governing the Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section 13.0 ***Severability***

- 13.1 If any part of this chapter is held unconstitutional or invalid, all parts that are severable from the invalid or unconstitutional part shall remain in effect. If a part of this chapter is held unconstitutional or invalid in one or more of its applications, the part shall remain in effect all constitutional and valid applications that are severable from the invalid applications.

Monday, October 27, 2003
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