# *Rhode Island Department of Health*

## PUBLIC NOTICE OF PROPOSED RULEMAKING

Pursuant to the provisions of *Chapter 5-68.1* of the General Laws of Rhode Island, as amended, and in accordance with the Administrative Procedures Act, Chapter 42-35 of the General Laws, the Rhode Island Department of Health hereby gives notice of its intent to amend the *Rules and Regulations For Licensing of Radiographers, Radiation Therapists, Nuclear Medicine Technologists and Radiologist Assistants* [*R5-68.1-RAD*]. The purpose of this amendment is to allow radiographers who, prior to August 1, 2015, did not use national certification to document their required education and experience the ability to renew their license based on proof of continuing education credits rather than through proof of ARRT Certification. The amendments also provide clarification on acceptable continuing education courses.

Copies of the proposed regulation and concise summary of non-technical differences between existing and proposed new rules are available for public inspection at the Cannon Building, Room #201, Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island, on the Department's website: http://www.health.ri.gov/regulations/index.php, by calling 401-222-7767, or by e-mail to Bill.Dundulis@health.ri.gov.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by close of business on **28 NOVEMBER 2016** to: Sarah Harrigan, 3 Capitol Hill, Room 205, Providence, Rhode Island 02908-5097 or by e-mail to Sarah.Harrigan@health.ri.gov.

A public hearing to consider the proposed amendment shall be held on **17 NOVEMBER 2016** at **3:00 PM** in the **AUDITORIUM** of the Rhode Island Department of Health (on the lower level of the Cannon Building), Three Capitol Hill, Providence, Rhode Island at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The Department of Health is accessible to the handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-7767 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Signed this day of October 2016

Nicole Alexander-Scott, M.D., MPH
Director of Health

**PUBLIC HEARING DRAFT – REVISED 16 SEPTEMBER 2016**

# RULES AND REGULATIONS FOR THE LICENSURE OF RADIOGRAPHERS, NUCLEAR MEDICINE TECHNOLOGISTS, RADIATION THERAPISTS AND RADIOLOGIST ASSISTANTS

[R5-68.1-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 § 42-35-4.1 of the Rhode Island General Laws, as amended)

November 2003

January 2007 (re-filing in accordance with the provisions of .§ 42-35-4.1 of the Rhode Island General Laws, as amended)

May 2007

September 2011

January 2012 (re-filing in accordance with the provisions of .§ 42-35-4.1 of the Rhode Island General Laws, as amended)

September 2012

**October 2016 (Proposed)**

**COMPILER'S NOTES:**
**Additions: Double-Underlined**
**Proposed Deletions: ~~Strikeout~~**

## *INTRODUCTION*

These amended *Rules and Regulations For Licensing of Radiographers, Radiation Therapists, Nuclear Medicine Technologists and Radiologist Assistants (R5-68.1-RAD)* are promulgated[1] pursuant to the authority set forth in §5-68.1-15 of the General Laws of Rhode Island, as amended, and are established for the purpose of establishing standards of education, training, and experience and to require licensure of radiologic technologists (radiographer), nuclear medicine technologists, radiation therapists and radiologist assistants.

Pursuant to the provisions of §§ 42-35-3(a)(3) and (a)(4) of the General Laws of Rhode Island, as amended, the following were given consideration in arriving at the amended regulations: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) significant economic impact on small business. Based on the available information, no known overlap, duplication, or alternative approach was identified.

Upon promulgation of these amendments, these amended regulations shall supersede all 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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[1] All editions of the *Rules and Regulations for Licensing of Radiographers, Radiation Therapists and Nuclear Medicine Technologists* prior to September 2011 were promulgated pursuant to authority under Chapter 5-68 of the General Laws of Rhode Island, as amended. Chapter 5-68 was repealed in it's entirety by PL 2010-137 and PL 2010-139, and was replaced by Chapter 5-68.1. Beginning with the September 2011 edition, the *Rules and Regulations for Licensing of Radiographers, Radiation Therapists, Nuclear Medicine Technologists and Radiologist Assistants* are promulgated pursuant to authority under Chapter 5-68.1 of the General Laws of Rhode Island, as amended. Furthermore, the title of the Regulation was changed to reflect the addition of licensing requirements for Radiologist Assistants.

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Section 1.0 ***Definitions***

Wherever used in these Regulations, the terms listed below shall be construed as follows:

1.1 "***Act***" means RIGL Chapter 5-68.1 entitled "Radiologic Technologists".

1.2 ***Authorized user***" means a licensed practitioner who meets the training and experience requirements defined in rules and regulations promulgated pursuant to RIGL Chapter 23-1.3.

1.3 "***Board"*** means the Board of Radiologic Technology.

1.4 "***Department***" means the Rhode Island Department of Health.

1.5 "***Director"*** means Director of the Rhode Island Department of Health.

1.6 "***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.

1.7 "***License"*** means a license issued by the Department authorizing an individual to practice radiologic technology.

1.8 "***Licensed practitioner"*** means an individual licensed to practice medicine, chiropractic, podiatry or an individual licensed as a registered nurse practitioner or physician assistant in Rhode Island.

1.9 "***Medical physicis***t" means an individual, other than a licensed practitioner, who practices independently one or more of the subfields of medical physics, and is registered or licensed under rules and regulations promulgated pursuant to RIGL Chapter 23-1.3

1.10 "***National organization"*** means a professional association or registry, approved by the Director, that examines, registers, certifies or approves individuals and education programs relating to operators of sources of radiation.

1.11 "***Nuclear medicine technologist***" means an individual, other than a licensed practitioner, who compounds, calibrates, dispenses and administers radiopharmaceuticals, pharmaceuticals, and radionuclides under the general supervision of an authorized user for benefit of performing a comprehensive scope of nuclear medicine procedures, and who has met and continues to meet the licensure standards of the Act and these Regulations.

1.12 "***Person***" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state or any other state, or political subdivision of any agency thereof and any legal successor, representative,

agent, or agency of the foregoing.

1.13 "***Radiation therapist***" means an individual, other than a licensed practitioner, who utilizes ionizing radiation under the general supervision of an authorized user for the planning and delivery of therapeutic procedures, and who has met and continues to meet the licensure standards of the Act and these Regulations.

1.14 "***Radiologic technologis***t (radiographer)" means an individual, other than a licensed practitioner, who performs a comprehensive scope of diagnostic radiology procedures under the general supervision of a licensed practitioner using external ionizing radiation, resulting in radiographic or digital images, and who has met and continues to meet the licensure standard of the Act and these Regulations.

1.15 "***Radiologic technology***" is a scientific discipline that includes individuals licensed to practice as a:

radiologic technologist (radiographer); or

nuclear medicine technologist; or

radiation therapist; or

radiologist assistant.

1.16 "***Radiologist***" means a licensed practitioner specializing in radiology who is certified by or eligible for certification by the American Board of Radiology or the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons.

1.17 "***Radiologist assistan***t" means an individual, other than a licensed practitioner, who performs as an advanced-level radiologic technologist and works under the general supervision of a radiologist to enhance patient care by assisting the radiologist in the medical imaging environment, and who has met and continues to meet the licensure standards of the Act and these Regulations.

1.18 "***RIGL***" means the General Laws of Rhode Island, as amended.

1.19 "***Source of radiation***" means any substance or device emitting or capable of producing ionizing radiation, for the purpose of performing therapeutic or diagnostic radiologic procedures on human beings.

1.20 ***"Student"*** means an individual enrolled in a course of study for medicine or radiologic technology.

1.21 "***Supervision***" means:

(a) ***Direct supervision***" means supervision and control by a licensed practitioner who assumes legal liability for the services rendered by the radiologic technologist, which supervision requires the physical presence of the licensed practitioner for consultation and direction of the actions of the radiologic technologist.

(b) "***General supervision***" means supervision whereby a licensed practitioner, who assumes legal liability for the services rendered, authorizes the services to be performed by the radiologic technologist, which supervision, except in cases of emergency, requires the easy availability or physical presence of the licensed practitioner for consultation and direction of the actions of the radiologic technologist.

1.22 "***These Regulations***" mean all parts of Rhode Island *Rules and Regulations for Licensing of Radiographers, Radiation Therapists and Nuclear Medicine Technologists* [*R5-68.1-RAD*].

Section 2.0 ***License Requirement***

2.1 No individual shall practice as a radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant, or represent themselves as such, unless they are licensed under the Act and these Regulations. The provisions of §2.0 do not apply to:

(a) A licensed practitioner when practicing within his or her field of expertise.

(b) A student of medicine, when under the general supervision of an instructor who is a radiologist and when acting within the scope of practice.

(c) A dentist, licensed dental hygienist or certified dental assistant when practicing within his or her field of expertise.

(d) A podiatry assistant who has received a certificate of completion for the "radiography for podiatry assistants" course from the Community College of Rhode Island or who has successfully completed the training required by §F.2.3(a) of the *Rules and Regulations for the Control of Radiation* [*R23-1.3-RAD*], and when acting within the practice of podiatry.

(e) A medical physicist when practicing within his or her field of expertise.

2.2 Nothing in the Act and these Regulations is intended to limit, preclude or otherwise interfere with the practice of persons and health care providers licensed by appropriate agencies of Rhode Island.

2.3 These Regulations do not prohibit an individual enrolled in an approved school of radiologic technology, under the direct supervision of a radiologist or a licensed radiologic technologist, nuclear medicine technologist, radiation therapist or radiologist assistant from performing those duties essential for completion of a student's clinical service.

2.4 These Regulations are not intended to supersede the mammography rules and regulations promulgated pursuant to RIGL §23-17-32.

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

3.1 Any individual desiring to become licensed as a radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant shall make application to the Board on a written form and in the manner prescribed by the Board, pay all

the required application fees and furnish evidence to the Board that the applicant has been certified by the American Registry of Radiologic Technologists, or the Nuclear Medicine Technology Certification Board. For the purpose of these Regulations, certification by the Certification Board for Radiology Practitioner Assistants (CBRPA) as a Radiology Practitioner Assistant shall be deemed equivalent to certification as a Radiologist Assistant by the American Registry of Radiologic Technologists.

3.1.1 Any radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant, licensed pursuant to these Regulations, desiring to obtain a supplemental authorization for computed tomography (CT) procedures shall make application to the Board on a written form and in the manner prescribed by the Board, pay all the required application fees and furnish evidence to the Board that the applicant has been certified in computed tomography (CT) by the American Registry of Radiologic Technologists,

3.2 An individual desiring to become licensed in more than one (1) category of radiologic technology shall submit a separate application for each category to be licensed.

Section 4.0 ***Graduate Practice***

4.1 Any graduate of a training program approved by the Board under §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" for a period not to exceed ninety (90) days from the date on the application fee receipt.

(a) This receipt shall authorize the applicant to practice that branch of radiologic technology specified on the application until the results of the exam are distributed and acted upon by the Board, but in no case shall the authorized period exceed ninety (90) days. During this authorized period, the graduate shall identify himself/herself only as a “graduate technologist.”

(b) If the applicant fails to take the examination and receive a license, as specified in §4.1(a), during this authorized ninety (90) day period or fails to pass the examination, all authorization to practice as a graduate technologist shall immediately become null and void.

(c) Authorization to practice as a graduate technologist shall only be granted by the board to an individual for a single period not to exceed ninety (90) days, and shall not be extended or renewed.

Section 5.0 ***Licensing by Endorsement***

5.1 Any individual desiring to become licensed by endorsement as a radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant shall make application to the Board on a written form and in the manner that the Board prescribes and shall pay all the application fees required by §8.0 of these Regulations. The applicant shall also furnish evidence to the Board that he or she holds a current certificate,

license or registration to practice as a radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant in another state, and the requirements for such certificate, license or registration are substantially equivalent to those established under the Act and these Regulations.

5.2 An individual desiring to become licensed in more than one (1) category of radiologic technology shall submit a separate application for each category to be licensed.

Section 6.0 ***Other Licensing Provisions***

6.1 Each radiologic technology license issued by the Director shall only specify one category of radiologic technology, and shall indicate, as appropriate, that the individual is a licensed radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant.

6.2 No individual shall use any title or abbreviation to indicate that the individual is licensed as a radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant unless they are licensed in that category of radiologic technology pursuant to the Act and these Regulations.

6.3 A valid license issued pursuant to the Act and these Regulations shall be carried on the person of the radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant while performing the duties for which the license is required.

6.4 ***Additional Clinical Competency in Computed Tomography (CT)***. Except as specifically authorized in §§6.4(a), (b), (c) or (d) of these Regulations, an individual licensed pursuant to these Regulations is not authorized to perform CT procedures.

(a) ***Radiologic Technologist (Radiographer)***.

(1) Prior to 1 August 2013, an active license as a radiologic technologist (radiographer), issued pursuant to these Regulations, shall be deemed sufficient to constitute clinical competency in CT.

(2) Effective 1 August 2013, a radiologic technologist (radiographer) shall also require a supplemental authorization for CT procedures pursuant to §3.1.1 of these Regulations. The supplemental authorization is not required for a radiologic technologist (radiographer) who does not perform CT procedures.

(b) ***Nuclear Medicine Technologist***.

(1) A nuclear medicine technologist who performs only PET-CT and/or SPECT-CT (attenuation correction) procedures shall comply with at least one (1) of the following training requirements:

(i) Be certified as a Radiologic Technologist (radiographer) by American Registry of Radiologic Technologists (ARRT); or

(ii) Provide documentation for successful completion of both supplemental CT

training approved by the Board[2] and "hands-on" experience with the fusion scanner to be used; or

(iii) Obtain supplemental authorization for CT procedures pursuant to §3.1.1 of these Regulations;

(2) A nuclear medicine technologist who utilizes CT procedures for other than PET-CT and/or SPECT-CT (attenuation correction) shall be required to obtain supplemental authorization for CT procedures pursuant to §3.1.1 of these Regulations.

(c) ***Radiation Therapist***.

(1) Prior to 1 August 2013, an active license as a radiation therapist, issued pursuant to these Regulations, shall be deemed sufficient to constitute clinical competency in CT for positioning and simulation.

(2) Effective 1 August 2013, a radiation therapist who utilizes CT procedures only for positioning and simulation shall comply with at least one (1) of the following training requirements:

(i) Obtain certification as a Radiation Therapist by the American Registry of Radiologic Technologists (ARRT) on or after 1 January 2011; or

(ii) Provide documentation for completion of manufacturer training for utilization of the CT unit for simulation and positioning, supplemented by "hands-on" training conducted by in-house medical physics staff; or

(iii) Be certified as a Radiologic Technologist (radiographer) by American Registry of Radiologic Technologists (ARRT); or

(iv) Obtain supplemental authorization for CT procedures pursuant to §3.1.1 of these Regulations.

(3) Effective 1 August 2013, a radiation therapist who utilizes CT procedures for other than positioning and simulation shall also require supplemental authorization for CT procedures pursuant to §3.1.1 of these Regulations.

(d) ***Radiologist Assistant.*** A radiologist assistant who performs CT procedures shall also require a supplemental authorization for CT procedures pursuant to §3.1.1 of these Regulations. The supplemental authorization is not required for a radiologist assistant who does not perform CT procedures.

6.5 ***Documentation of Training.***

(a) In addition to the requirements of §10.1 of these Regulations, a licensee shall retain documentation of all supplemental and in-house/hands-on training required to demonstrate compliance with §6.4(b)(1)(ii) and/or §6.4(c)(2)(ii) of these Regulations.

(b) If any training described in §6.5(a) of these Regulations was obtained from a facility other than the licensee's current employer, copies of all required documentation shall also be provided to the current facility's radiation safety officer (or equivalent) for

[2] A listing of Supplemental CT training that has been approved by the Board may be obtained by contacting the Department at (401) 222-5960.

inclusion with the facility's training records.

Section 7.0 ***Special Requirements Pertaining to Licensure of Radiologist Assistants.***

7.1 Except as prohibited pursuant to §7.3 of these Regulations, a licensed radiologist assistant is authorized to perform duties that the supervising radiologist deems appropriate in accordance with the American College of Radiology (ACR) and the American Society of Radiologic Technologists (ASRT) Joint Policy Statement - *Radiologist Assistant: Roles and Responsibilities*.

7.2 A licensed radiologist assistant is authorized to perform studies that the supervising radiologist deems appropriate in accordance the American College of Radiology (ACR) and the American Society of Radiologic Technologists (ASRT) Joint Policy Statement - *Radiologist Assistant: Roles and Responsibilities*.

7.3 A licensed radiologist assistant is specifically NOT authorized to:

(a) Perform nuclear medicine or radiation therapy procedures unless currently licensed and trained to perform those duties under the individual's nuclear medicine technologist or radiation therapist license;

(b) Interpret images;

(c) Make diagnoses; and

(d) Prescribe medications or therapies.

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) A certified or notarized copy of birth certificate.

(b) <u>Photographs</u>: A recent identification photograph of the applicant, head and shoulder front view approximately two by three (2 x 3) inches in size;

(c) <u>Verification (applicants licensed in another state)</u>. 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;

(d) <u>Board Certification</u>. A copy of the individual's relevant certification(s) by the American Registry of Radiologic Technologists, or the Nuclear Medicine Technology Certification Board.

(e) ***Fees:***

(1) An application fee as set forth in the *Rules and Regulations Pertaining to the Fee*

*Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* for each category of radiologic technology to be licensed, 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.

(2) If applicable, an additional application fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* for supplemental authorization for computed tomography (CT) procedures, 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.

(f) **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 ***Issuance of License*:**

(a) Pursuant to the provisions of §5-68.1-8 of the Act, and at the recommendation of the Board, the Department shall issue a radiologic technology license to an individual who meets the licensure requirements set forth in these Regulations. A radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant license shall be issued for a period no longer than two (2) years and shall expire on the thirty-first (31st) day of July of each odd numbered year, unless sooner suspended or revoked. The license may be renewed every two (2) years in accordance with the provisions of §9.2.

(b) Pursuant to the provisions of §5-68.1-8 of the Act, and at the recommendation of the Board, the Department shall issue supplemental authorization for computed tomography (CT) procedures to an individual who holds an active radiologic technology license, and who meets the applicable requirements set forth in these Regulations. A supplemental authorization for computed tomography (CT) procedures shall be issued for a period no longer than two (2) years and shall expire on the thirty-first (31st) day of July of each odd numbered year, unless sooner suspended or revoked. A supplemental authorization for computed tomography (CT) procedures may be renewed every two (2) years in accordance with the provisions of §9.2.

9.2 On or before the first (1st) day of July of each odd-numbered year, the Department shall mail an application for renewal of license to every individual to whom a license has been issued or renewed during the current licensure period.

(a) An individual licensed as a radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant who desires to renew his or her license shall file a duly executed renewal application, together with the renewal fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* with the Department on or before the thirty-first (31st) day of July of each odd numbered year.

(b) An individual licensed in more than one (1) category of radiologic technology shall be required to submit a separate renewal application and fee for each licensed category of radiologic technology.

(c) An individual with a supplemental authorization for computed tomography (CT) procedures who desires to renew his or her supplemental authorization shall file a duly executed renewal application, together with the renewal fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* with the Department on or before the thirty-first (31st) day of July of each odd numbered year.

9.3 Upon satisfactory completion of the renewal requirements in §9.2, the Department shall grant a renewal license and, if applicable, a supplemental authorization for computed tomography (CT) procedures effective the first (1st) day of August, and expiring on the thirty-first (31st) day of July of the next odd-numbered year.

9.4 If a license issued pursuant to these Regulations has expired and a renewal application and appropriate fee are not received by the Department on or before the expiration date of the license, a late renewal fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* shall be submitted with the renewal application.

9.5 A radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant who has failed to pay an administrative fine imposed by a final order of the Director shall submit payment of the administrative fine in full as a condition of license renewal.

Section 10.0 ***Maintenance of National Certification***

10.1 (a) Each renewal application shall contain a statement signed by the licensee attesting that all national certifications required pursuant to §3.1 of these Regulations are active and not subject to any restriction, limitation or other sanction.

(b) Notwithstanding the requirements of § 10.1(a) of these Regulations, an individual who was initially licensed as a radiologic technologist (radiographer) prior to 10 December 2012, and who did not use a national certification to document the required education and experience to renew the license prior to August 1, 2015, for the purpose of license renewal is only required to certify satisfactory completion of at least twenty-four (24) hours of Category A or Category B continuing education courses, clinics, lectures, training programs, seminars, or other programs related to the licensee's specific license category, and subject to the following additional requirements:

(1) At least two (2) of the twenty-four (24) credits of continuing education must be specifically related to radiation protection.

(2) At least twelve (12) of the twenty-four (24) credits of continuing education must be completed within Category A, Formal Programs:

(i) Programs reviewed and approved by a Recognized Continuing Education

Evaluation Mechanism (RCEEM);

(ii) Activities meeting American Registry of Radiologic Technologist's (ARRT) or the Nuclear Medicine Technology Certification Board's (NMTCB) definition of an Approved Academic Course;

(iii) Cardio-Pulmonary Resuscitation (CPR) training approved by the American Red Cross or the American Heart Association:

(iv) 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; or

(v) Activities approved by another state licensing board which meet ARRT or NMTCB criteria.

(3) Category B programs are 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.

10.2 ***Required Notification to the Department*:**

(a) An individual licensed pursuant to these Regulations shall notify the Department, in writing, within five (5) business days of receiving notification from a national certification board that any national certification required pursuant to §3.1 of these Regulations has been revoked and/or subject to any restriction, limitation or other sanction.

(b) An individual licensed pursuant to these Regulations shall notify the Department, in writing, within five (5) business days of failure to renew or other lapse of any national certification required pursuant to §3.1 of these Regulations.

(c) An individual licensed pursuant to these Regulations shall notify the Department, in writing, within five (5) business days of all medical malpractice court judgments and all medical malpractice arbitration awards in which payment was awarded to a complaining party since 17 October 2011 in any state in which the individual was licensed since 17 October 2011, and all settlements of malpractice claims in which payment was made to a complaining party since 17 October 2011 in any state in which the individual was licensed since 17 October 2011.

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 provisions of the Administrative Procedures Act [RIGL Chapter 42-35] for any of the following causes:

(a) Fraud in the procurement of any license under the Act and these Regulations including, but not limited to, impersonating or acting as a proxy for an applicant in an examination for licensure in the field of radiologic technology;

(b) Having a certificate, license or registration to practice radiologic technology revoked,

suspended, or otherwise acted against, including being denied certification, by a national organization; by a specialty board recognized by the Director; or by a certification authority of another state, territory, or country

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime that directly relates to the practice of radiologic technology or to the ability to practice radiologic technology. Pleading *nolo contendere* shall be considered a conviction for the purpose of this provision

(d) Incompetence or engaging in negligent or unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of radiologic technology as established by the Director, in which case actual injury need not be established;

(e) Being unable to practice radiologic technology with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or other materials or as a result of any mental or physical condition. A licensee affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the competent practice of radiologic technology with reasonable skill and safety;

(f) Making or filing a false report or record that the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another to do so. Such reports or records include only those reports or records which are signed in the capacity of the licensee; or

(g) Violating, or aiding or abetting any person to violate, any provision of the Act or these Regulations, or any lawful order of the Director previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the Director;

11.2 ***Reinstatement*:**

(a) One (1) year from the date of revocation of a license under the 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.

(b) If the Board rejects an application for reinstatement, restoration or modification of probation, the individual shall be required to wait at least six (6) months from the date of the Board's rejection before submitting a subsequent application for reinstatement, restoration or modification of probation to the Board.

11.3 The Director may temporarily suspend the license of a radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant without a hearing if the Director finds that evidence in his or her possession indicates that their continuation in practice would constitute an immediate danger to the public. In the event that the Director temporarily suspends the license of a radiologic technologist (radiographer), nuclear medicine technologist, radiation therapist or radiologist assistant without a hearing. A hearing by the Board shall be held within ten (10) days after the suspension has occurred.

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

12.1 All hearings and reviews required under the provisions of the Act and these Regulations shall be held in accordance with the provisions of the ~~*Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health*~~ *Rules and Regulations Pertaining to Practices and Procedures before the Rhode Island Department of Health* [*R42-35-PP*].

Section 13.0 ***Severability***

13.1 If any part of the Act or these Regulations is held unconstitutional or invalid, all parts that are severable from the invalid or unconstitutional part shall remain in effect. If a part of the Act or these Regulations 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.

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*Friday, September 16, 2016*