

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



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Previous Agency Name, If Applicable \_\_\_\_\_

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Location and Time of Public Meeting \_\_\_\_\_

## **NOTICE OF PUBLIC COMMENT PERIOD**

The Arkansas Department of Health, Radiation Control Section, is accepting public comments on the proposed adoption of revisions to the Rules Pertaining to Radiologic Technology Licensure pursuant to the Administrative Procedures Act as amended, Ark. Code Ann. 25-15-201 et seq., by the authority of Ark. Code Ann. 17-106-101–111.

The proposed revisions are available for inspection online through the ADH website at [www.healthy.arkansas.gov](http://www.healthy.arkansas.gov), “Rules” link. Copies may be obtained by calling the Radiation Control Section at (501) 661-2301. The proposed revisions will also be available for public inspection and copying at the Arkansas Department of Health, Radiation Control Section, Freeway Medical Tower, 5800 West 10<sup>th</sup> Street, Suite 401, Little Rock, Arkansas.

The public may submit written comments to [radiation.administration@arkansas.gov](mailto:radiation.administration@arkansas.gov), in person at 5800 West 10<sup>th</sup> Street – Suite 401, or by mail to the Radiation Control Section Chief, Radiation Control Section, Arkansas Department of Health, 4815 West Markham Street, Slot #30, Little Rock, Arkansas, 72205-3867, no later than 4:30 p.m. on November 30, 2023.

# **ARKANSAS STATE BOARD OF HEALTH**

## **RULES PERTAINING TO RADIOLOGIC TECHNOLOGY LICENSURE**



PROMULGATED UNDER THE AUTHORITY OF  
ARKANSAS CODE ANN. §17-106-101, et seq.

Effective \_\_\_\_\_

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**Jennifer Dillaha, MD, FAAP, FIDSA, FPIDS, FAAAS  
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# RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE

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# **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

## **SECTION I.      AUTHORITY**

These Rules pertaining to Radiologic Technology Licensure are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Act 1071 of 1999, as amended, (Ark. Code Ann. 17-106-101-111) and Act 96 of 1913 (Ark. Code Ann. 20-7-101 et seq).

## **SECTION II.      PURPOSE**

These Rules are adopted for the purpose of regulating and licensing persons administering ionizing radiation to human beings to help keep the radiation dose to patients as low as reasonably achievable.

## **SECTION III.      DEFINITIONS**

- A. 'Act' means Act 1071 of 1999, as amended (Ark. Code Ann. § 17-106-111);
- B. 'ACRRT' means the American Chiropractic Registry of Radiologic Technologists;
- C. 'Administering Ionizing Radiation' means the application of a prescribed dose of ionizing radiation to the human body for the purposes of diagnosis or treatment. Several factors determine the dose received by the patient and these include but are not limited to the positioning of the patient in a radiation field, the exposure to or introduction of ionizing radiation, and the final image production. Each of these factors are prime determinates in the total dose received by the patient;
- D. 'Advanced practice nursing' means the delivery of health care services for compensation by professional nurses who have gained additional knowledge and skills through successful completion of an organized program of nursing education that certifies nurses for advanced practice roles as advanced nurse practitioners, certified nurse anesthetists, certified nurse midwives, and clinical nurse specialists.
- E. 'Apprenticeship' means a program that meets the federal guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and approved by the United States Office of Apprenticeship as meeting the requirements of an apprenticeship
- F. 'ARRT' means the American Registry of Radiologic Technologists;
- G. 'ASCP' means the American Society of Clinical Pathologists;
- H. 'Automatic licensure' means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.
- I. 'Board' means the Arkansas State Board of Health;
- J. 'Category' means a specific area of radiologic sciences, for which there is an identified license and licensing requirements;

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- K. 'CCI', means Cardiovascular Credentialing International;
- L. 'Committee' means the Medical Ionizing Radiation Licensure Committee;
- M. 'Consumer' means a person who is a resident of the state of Arkansas and who is not a Licensed Practitioner or Radiologic Technologist or Licensed Technologist or Limited Licensed Technologist under the Act;
- N. 'Continuing Education Hour' means a period of instruction at least fifty to sixty minutes in length;
- O. 'Contrast Media' means material intentionally administered to the human body to better define a part or parts radiographically;
- P. 'Department' means the Arkansas Department of Health;
- Q. 'Direct Supervision of Students' means responsibility for, and control of, radiation safety, protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic or therapeutic purposes, with the parameters that are outlined by educational accreditation agencies that are recognized by the Board;
- R. 'Fluoroscopy' means a radiological examination that uses a fluorescent screen or image intensifier on which the internal structure of the human body may be continuously viewed by transmission of x-rays through the body;
- S. 'Formal Education' means education obtained through an approved United States Department of Education Institution;
- T. 'Formal Examination' means an examination or evaluation specific to a profession which tests the knowledge base in all three domains of learning: cognitive, affective, and psychomotor;
- U. 'Ionizing Radiation' means gamma rays, x-rays, alpha and beta particles, high speed electrons, protons, neutrons, and other nuclear particles;
- V. 'JRCERT' means the Joint Review Committee for Education in Radiologic Technology;
- W. 'Lapsed Licensee' means a licensee who has let his/her Licensed Technologist License or Limited Licensed Technologist License, Radiologic Technologist License, Radiation Therapy Technologist License, or Nuclear Medicine Technologist License expire for more than five years;
- X. 'License' means a certificate issued by the Committee authorizing the licensee to use radioactive materials or medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes in accordance with these rules;
- Y. 'Licensed Practitioner' means a person licensed to practice medicine, dentistry, podiatric medicine, chiropractic, osteopathy, or optometry in this state;

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- Z. 'Licensed Radiologic Technologist' means a person who holds a national registry with the ARRT, ACRRRT, NMTCB, and/or ASCP, and who is licensed in the State of Arkansas;
- AA. 'Licensed Technologist' means a person other than a Licensed Practitioner, who is grandfathered under the Act and can perform specific radiologic procedures and exams identified by a specific license and who administers radioactive substances or uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes while under the supervision of a Licensed Practitioner;
- BB. 'Limited License' means an authorization to perform radiologic procedures under the supervision of a Licensed Practitioner and are limited to specific parts of the human body, specific procedures, or both, specifically of the chest and skeletal structures excluding fluoroscopy and contrast studies;
- CC. 'Limited Licensed Technologist' means a person, other than a Licensed Practitioner, Radiologic Technologist, or Licensed Technologist, while under the supervision of a Licensed Practitioner and operates medical equipment emitting ionizing radiation for diagnostic purposes on human beings that are limited to specific body parts, and who has successfully passed a limited scope examination deemed appropriate by the Board;
- DD. 'Medical Dosimetrist' means a person who is certified or eligible for certification by the Medical Dosimetry Certification Board;
- EE. 'NMTCB' means Nuclear Medicine Technology Certification Board;
- FF. 'Nuclear Medicine Technologist' means a person, other than a Licensed Practitioner, who performs therapeutic, in vivo, imaging, procedures, prepares radiopharmaceuticals, and administers diagnostic doses of radiopharmaceuticals to human beings while under supervision of a Licensed Practitioner who is licensed as required to possess and use radioactive materials;
- GG. 'Occupational or professional license' means a license, certificate, registration, permit, or other form of authorization required by law or rule for an individual to engage in a particular occupation or profession
- HH. "Occupational or professional licensing entity" means an office, board, commission, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession.
- II. 'PET/CT License' means an authorization to perform radiologic procedures under the supervision of a Licensed Practitioner that is limited to radiologic procedures performed for PET/CT procedures;
- JJ. 'PET/CT Technologist' means a person other than a Licensed Practitioner, who has specific qualifications, education, certification, and responsibilities as recognized by the Committee;

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- KK. 'Radiation Health/Medical Physicist' means a person who is certified or eligible for certification in radiologic physics by the American Board of Radiology, the American Board of Health/Medical Physics, or the American Board of Science in Nuclear Medicine;
- LL. 'Radiation Practitioner' means a Licensed Practitioner that has completed a residency in radiology, nuclear medicine, or radiation oncology, and is certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the American Board of Nuclear Medicine, or its equivalent;
- MM. 'Radiation Therapist' means a person, other than a Licensed Practitioner or Nuclear Medicine Technologist, who applies radiation to humans for therapeutic purposes under the supervision of a Licensed Practitioner;
- NN. 'Radiographer' means a person other than a Licensed Practitioner, who uses medical equipment emitting ionizing radiation for human diagnostic purposes under the supervision of a Licensed Practitioner and holds a national certification obtained through education and examination, licensed under the Act;
- OO. 'Radiography' means the practice of the theory and technical aspects of the use of x-rays which are used in the diagnosis and treatment of disease;
- PP. 'Radiologic Technologist' means a person other than a Licensed Practitioner, who is identified by category and who administers radioactive substances or uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes under the supervision of a Licensed Practitioner, and holds a national certification obtained through education and examination, licensed under the Act;
- QQ. 'Radiologic Technology' is the science of using a radioactive substance or medical equipment emitting or detecting ionizing radiation of humans for diagnostic or therapeutic purposes;
- RR. 'Radiologic Technology Student' means an individual currently enrolled in and attending a school of radiologic technology, radiation therapy, or nuclear medicine with recognized educational accreditation who uses radioactive material on or applies ionizing radiation to a human being while under the supervision of a Licensed Practitioner or a Licensed Radiologic Technologist;
- SS. 'RCIS' means Registered Cardiovascular Invasive Specialist;
- TT. 'RCIS License' means an authorization to perform radiologic procedures under the supervision of a Licensed Practitioner that are limited to fluoroscopic radiologic procedures performed for cardiovascular interventional procedures;
- UU. 'RCIS Technologist' means a person other than a Licensed Practitioner, Radiologic Technologist, or Licensed Technologist, while under the supervision of a Licensed Practitioner and operates medical equipment emitting ionizing radiation for fluoroscopic cardiovascular interventional radiologic purposes on human beings that are limited to



## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

specific body parts and only for cardiovascular interventional procedures, who has successfully completed educational requirements and passed an examination deemed appropriate by the Committee;

VV. 'Reciprocity' means the Board may accept an applicant's current certificate, registration, or license issued by another state, provided that it is substantially similar and meets the requirements of Section VIII of these Rules;

WW. 'Retired' means a license holder who notifies the Department in writing that the individual will cease the practice of Radiologic Technology;

XX. 'Scaled Score' means a score that is consistent from exam to exam despite differences in difficulty that may be present among the exams. A scaled score takes into account any differences in exam difficulty. A scaled score represents the same level of performance for all exams.

YY. 'Skeletal Structures' means extremities, skull, sinuses, spine, ankle, and foot of the human body;

ZZ. 'Suspended licensee' means a license holder who after sixty days of expiration date, failed to pay the renewal fee and/or provide documentation of six hours of continuing education credits;

AAA. 'Temporary License' means a certificate issued by the Board, authorizing the applicant to use radioactive materials or medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes, when licensure or relicensure is pending before the Board and when the issuance may be justified by special circumstances as determined by the Board.

BBB. 'Uniformed service member' means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

CCC. 'Uniformed service veteran' means a former member of the United States uniformed services discharged under conditions other than dishonorable.

### **SECTION IV. GENERAL REQUIREMENTS AND RESTRICTIONS**

A. No person, other than a Licensed Practitioner, Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist shall use radioactive materials or medical equipment emitting or detecting ionizing radiation on human beings for diagnostic or therapeutic purposes.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- B. A person holding a license under the Act or these rules shall use medical equipment emitting or detecting ionizing radiation on a human being only by prescription of a Licensed Practitioner or an advanced practice nurse.
- C. No person shall knowingly or negligently employ a person to apply ionizing radiation or administer radiopharmaceuticals to a human being or otherwise engage in the practice of radiologic technology unless the person possesses a valid license issued under the provisions of the Act or these rules within that specific category.
- D. A person shall not apply ionizing radiation or administer radiopharmaceuticals to a human being or otherwise engage in the practice of radiologic technology unless the person possesses a valid license issued under the Act or these rules.
- E. Eligibility for retired status requires that the individual sign an agreement not to engage to any extent whatsoever in actual patient contact in the provision of: radiologic technology, management of radiologic technology, education of persons involved or seeking to become involved in radiologic technology, in commercial sales, services, or applications with respect to any aspect of radiologic technology or items, services, or devices used in that technology.
- F. Based on identified specific educational requirements and/or examinations, the Board may recognize emerging modalities in radiological sciences and procedures.

### **SECTION V.      EXEMPTIONS**

- A. Licensed Practitioners, individuals licensed to practice medicine, dentistry, podiatric medicine, chiropractic, optometry or osteopathy in this state, dental hygienists, registered dental assistants with the expanded duty of radiography, radiation health physicists, radiation medical physicists, chiropractic externs, bone densitometrists and certified medical dosimetrists are exempt from the requirement of obtaining a license to apply ionizing radiation or administer radiopharmaceuticals.
- B. The requirement for a license shall not apply to a student enrolled in and attending a school of radiologic technology, radiation therapy, nuclear medicine technology, chiropractic radiologic technology or cardiovascular intervention with recognized education accreditation, who uses radioactive material on or applies ionizing radiation to a human being for diagnostic or therapeutic purposes while under the supervision of a Licensed Practitioner or Licensed Radiologic Technologist.
- C. The requirement for a license shall not apply to a student enrolled in and attending a health care profession school that is recognized by the United States Department of Education or the Arkansas Department of Higher Education that has radiologic sciences taught in part of the educational process who uses equipment emitting or detecting ionizing radiation.
- D. Nothing in the provisions of the Act or these rules relating to Radiologic Technology shall limit, enlarge, or affect the practice of Licensed Practitioners herein defined.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

### **SECTION VI.      LICENSES REQUIRED**

- A. A Radiologic Technologist License is required for any individual who holds a national registry with the American Registry of Radiologic Technologists, Nuclear Medicine Technology Certification Board, or the American Society of Clinical Pathologists and uses medical equipment emitting or detecting ionizing radiation or administers radiopharmaceuticals for human diagnostic or therapeutic purposes.
- B. A Licensed Technologist License is required for any individual who uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes under the supervision of a Licensed Practitioner and is licensed under the “Grandfather” provision in the Act.
- C. A Limited Licensed Technologist License is required for any individual who is under the supervision of a Licensed Practitioner and uses medical equipment emitting ionizing radiation for human diagnostic purposes for radiographic examination of the chest or skeletal areas. This license is obtained by successful completion of the examination by the American Chiropractic Registry of Radiologic Technologists or an examination approved by the Arkansas State Board of Health
- D. An RCIS license is required for any individual who is under the supervision of a Licensed Practitioner and operates medical equipment emitting ionizing radiation for fluoroscopic radiologic purposes on human beings that are limited to specific body parts and only for cardiovascular interventional procedures. This license is obtained by successful completion of an examination deemed appropriate by the Committee and approved by the Board.
- E. A Temporary License may be issued by the Board to any individual whose licensure or relicensure may be pending and when issuance may be justified by special circumstances. A temporary license shall be issued only if the Board finds that it will not violate the purpose of the Act or these rules or endanger the public health and safety. A temporary license shall not remain in force longer than one hundred and eighty days. No more than two temporary licenses shall be issued to any individual within a specific category. The Committee may extend the temporary license if the individual demonstrates to the committee a hardship or a continual progression in fulfilling the educational and certification requirements recognized by the Committee.

Only temporary license holders, who have graduated from accredited educational programs, recognized by the Board, and are awaiting examination and licensure may perform fluoroscopy or administer contrast media. Temporary license holders for limited scope, may only perform the radiologic procedures on human beings for which they are preparing to take the examination.

- F. Reactivation of retired license may be reinstated when the individual must pay the renewal fee and provide documentation of six hours of continuing education credits within the year prior to renewal.

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- G. Renewal of a lapsed license for a licensee who has allowed their Licensed Technologist License or Limited Licensed Technologist License lapse for five years or less will be permitted on the basis of payment of the required renewal fee, an accrued late fee and completion of a minimum of six hours per year continuing education for each year license has lapsed.
- H. Renewal of a lapsed license for a licensee who has let their Licensed Technologist License or Limited Licensed Technologist License expire for more than five years will be based on payment of the required renewal fee, late fee and successful completion of the licensing examination approved by the State of Arkansas. Renewal of a lapsed license for an ARRT or its equivalent technologist who has let their Radiologic Technologist License, Radiation Therapy License or Nuclear Medicine Technology License expire for more than five years will be based on payment of the required renewal fee, late fee, and documentation from the ARRT, NMTCB, ACRRT or CCI of a current valid registry card.

### **SECTION VII.     AUTOMATIC LICENSURE UNDER ACT 137 of 2023**

#### **A. Applicability**

##### **(1) This Rule applies to a:**

- (a) uniformed service member stationed in the State of Arkansas;
- (b) uniformed service veteran who resides in or establishes residency in the State of Arkansas;
- (c) The spouse of (a) or (b) including a:
  - (i) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; and,
  - (ii) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

#### **B. Automatic Licensure**

Automatic Licensure shall be granted to persons listed in SECTION VII.A(1)(b) if:

- (1) The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States; and
- (2) The person pays the licensure fee in SECTION XV.

#### **C. Credit toward initial licensure**

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

Relevant and applicable uniformed service education, training, national certification, or service-issued credential shall be accepted toward initial licensure.

### **D. Expiration Dates and Continuing Education**

- (1) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
- (2) A uniformed service member or spouse shall be exempt from continuing education requirements in SECTION XX. for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
- (3) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education evidence of before renewal or grant of a subsequent license.

## **SECTION VIII. RECIPROCITY UNDER ACT 426 OF 2019**

A. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:

- (1) The applicant shall hold a substantially similar license in another United States jurisdiction.
  - (a) A license from another state is substantially similar to an Arkansas Radiologic Technology license if the other state's licensure qualifications require:
    - (i) Graduation from an accredited Radiologic Technology School; and
    - (ii) Pass the applicable exam as listed in SECTION XIV.A of these Rules.
  - (b) The applicant shall hold his or her occupational licensure in good standing;
  - (c) The applicant shall not have had a license revoked for:
    - (i) An act of bad faith; or
    - (ii) A violation of law, rule, or ethics;
  - (d) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
- (2) The applicant shall be sufficiently competent in the Radiologic Technology.

B. Required documentation. An applicant shall submit a fully executed application, the required fee, and the documentation described below.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- (1) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas', the applicant shall submit the following information:
  - (a) Evidence of current and active licensure in that state. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board; and
  - (b) Evidence that the other state's licensure requirements match those listed in SECTION VIII.A(1)(a). The Board may verify this information online or by telephone to the other's state's licensing board.
- (2) To demonstrate that the applicant meets the requirements in SECTION VIII.A(1)(b) through (d), the applicant shall provide the Board with:
  - (a) The names of all states in which the applicant is currently licensed or has been previously licensed;
  - (b) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in SECTION VIII.A(1)(c) and
  - (c) does not hold a license on suspended or probationary status as described in SECTION VIII.A(1)(d) The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board.
- (3) As evidence that the applicant is sufficiently competent in the field of Radiologic Technology, an applicant shall:
  - (a) Pass the applicable exam as listed in SECTION XIV.A of these Rules.

### **SECTION IX.      PROVISIONAL LICENSE UNDER ACT 1011 OF 2019**

- A. The Board shall issue a provisional license immediately upon receipt of the application, the required fee, and the documentation required under SECTION VIII.B(1)(a) and (b).
- B. The provisional license shall be effective for six months unless the Board determines that the applicant does not meet the requirements in Radiologic Technology in which case the provisional license shall be immediately revoked.
- C. An applicant may provide the rest of the documentation required above in order to receive a regular license, or the applicant may only provide the information necessary for the issuance of a provisional license.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

### **SECTION X. LICENSE FOR A PERSON FROM A STATE THAT DOESN'T LICENSE PROFESSION UNDER ACT 1011 OF 2019.**

- A. Required Qualifications. An applicant from a state that does not license Radiologic Technologists shall meet the following requirements
  - (1) The applicant shall be sufficiently competent in the Radiologic Technology; and
  - (2) Current registration with the American Registry of Radiologic Technologists.
- B. Required documentation. An applicant shall submit a fully executed application, the required fee, and the documentation described below.
  - (1) As evidence that the applicant is sufficiently competent in the field Radiologic Technology, an applicant shall:
    - (a) Pass the applicable exam as listed in SECTION XIV.A of these Rules.

### **SECTION XI. RECIPROCITY AND STATE—SPECIFIC EDUCATION UNDER ACT 1011 OF 2019.**

- A. The Board shall require an applicant to take the Limited Scope Radiologic Technologist exam if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity provided to out-of-state applicants in SECTION VIII.
- B. Reciprocity in another state will be considered similar to reciprocity under SECTION VIII if the reciprocity provisions in the other state:
  - (1) Provide the least restrictive path to licensure for Arkansas applicants;
  - (2) Do not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new professional in that state, except that the state may require Arkansas applicants to participate in continuing education or training that is required for all professionals in that state to maintain the licensure.
  - (3) Do not require Arkansas applicants to take a state-specific education unless required to do so under the same conditions described in SECTION VIII.

### **SECTION XII. PRE-LICENSURE PROHIBITING OFFENSE DETERMINATION**

- A. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- B. The individual must obtain the pre-licensure criminal background check petition form from the *Medical Ionizing Radiation Licensure Committee (MIRLC)*.

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- C. The **MIRLC** will respond with a decision in writing to a completed petition within a reasonable time.
- D. The **MIRLC** response will state the reason(s) for the decision.
- E. All decisions of the **MIRLC** in response to the petition will be determined by the information provided by the individual.
- F. Any decision made by the **MIRLC** in response to a pre-licensure criminal background check petition is not subject to appeal.
- G. The **MIRLC** will retain a copy of the petition and response and it will be reviewed during the formal application process.

### **SECTION XIII. WORK PERMIT UNDER ACT 746 of 2021**

The Radiologic Technology Licensure Program shall grant an occupational or professional license under this section to an individual who fulfills the requirements to practice an occupation or profession in this state and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit".

### **SECTION XIV. QUALIFICATIONS FOR EXAMINATIONS**

- A. Accepted Examinations. The accepted examinations for licensure are the ARRT, NMTCB, ASCP, ACRRT or CCI examinations for the licensing examinations approved by the Board. The categories of examinations approved by the Board are: Radiography, Radiation Therapy, Nuclear Medicine Technology, Limited Chest, Limited Spine, Limited Extremities, Limited Skull and Sinus, Limited Ankle and Foot and RCIS.
- B. Process for Examination Qualifications. The applicant shall apply for any examination for licensure by providing the Department with the necessary information on the examination application form provided by the Department.
- C. Examination pass/fail. The minimum passing score shall be a scaled score of 70.
- D. Re-examination. Upon payment of examination fee and completion of the examination application process, there will be no limitation on the number of times the examination can be taken.

### **SECTION XV. FEES**

- A. Examination Fee. The examination fee will be set by the vendor contracted with the department to administer the examinations that meet the requirements of the Arkansas State Board of Health. This fee is non-refundable.
- B. License Fee. The license fee shall be forty-five dollars for one category. The license fee for more than one category shall be sixty-five dollars. This fee is non-refundable.



## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- C. Temporary Fee. The temporary fee shall be forty-five dollars for each additional temporary license. The temporary license may be renewed once. The temporary license fee will be transferred to the license fee following successful completion of the examination, for a period of one hundred eighty days with the renewal date being one hundred eighty days from the date of the original temporary license that was issued. If a test is not available, the renewal date will be the date when the examination is available. This fee is non-refundable.
- D. Student Temporary Fee. The fee shall be forty-five dollars and may be renewed once. There will not be an additional fee for renewal if successful completion of the ARRT, NMTCB, ACRRT, CCI or other licensing examination approved by the Board has occurred. This will apply for a student in an approved United States Department of Education school. This fee will be transferred to the license fee for a period of one year. This fee is non-refundable.
- E. Late Fee. The late fee will be fifty percent of the license fee. The late fee will be accrued on the expiration date of the license. This fee is non-refundable.

### **SECTION XVI. FEE WAIVER UNDER ACT 725 OF 2021**

- A. Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:
  - (1) Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);
    - (a) Were approved for unemployment within the last twelve (12) months; or
    - (b) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.
- B. Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.
  - (1) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;
  - (2) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or
  - (3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- C. Applicants shall attest that the documentation provided under B is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

### **SECTION XVII. DISPLAY OF LICENSE**

Licensees shall display the official license document or a copy of the license, which has been notarized by a notary public in each place of employment, and the document shall be made available upon its request. The licensee shall display their license at the primary location of employment, or where the licensee is regularly scheduled to work. The licensee can have a notarized copy on file when working at a facility other than their primary place of work.

### **SECTION XVIII. RENEWAL DATE**

- A. A license shall be renewed annually. The renewal date shall be one year from the date of issuance.
- B. A temporary license may be renewed once at the end of the one hundred eighty-day period for the temporary license.

### **SECTION XIX. EDUCATIONAL PROGRAM STANDARDS**

The standards the Board will accept for Educational Programs in Radiologic Technology are programs that are accredited by the United States Department of Education through the Joint Review Committee on Education in Radiologic Technology, Joint Review Committee on Educational Programs in Nuclear Medicine Technology, Chiropractic Radiologic Technology and Cardiovascular Credentialing International, or equivalent.

### **SECTION XX. CONTINUING EDUCATION STANDARDS**

A minimum of six hours of continuing education is required for license renewal for all license holders. A continuing education hour is defined as being equal to fifty to sixty minutes. Educational activities of thirty to forty-nine minutes in duration will be awarded one-half continuing education credit. Educational activities longer than one hour will only be awarded half and whole hour credits. Educational activities less than thirty minutes will receive no credit. The continuing education will be required on a prorated basis for temporary license holders. If a temporary license has been renewed, the holder will be required to meet the full six hours of education.

- A. The six hours of continuing education is to have been acquired within the year preceding the date of renewal.
- B. Three of the six hours must be in the Radiologic Sciences, in the core areas of all licenses such as radiation protection, equipment operation and maintenance, image production and evaluation, patient care and management and radiopharmaceuticals. The other three hours may be in other areas related to health care.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- C. Continuing education may be provided by the licensed practitioner or a hospital in-service education department. The sponsor of the continuing education must provide specific information on the continuing education forms provided by the Department. Request for approval must be made to the Committee at least thirty days prior to the educational activity.
- D. The information required is a request approval form, objectives, outline and lecture or presenter curriculum vita.
- E. The Committee will review the information and if approved, the Committee will assign a continuing education approval number.
- F. The sponsor shall document attendance at continuing education and shall provide documentation in suitable format to the Department.
- G. The participant must keep a record of his/her continuing education and submit the information on the annual renewal form for license renewal. The Committee may perform random checks to evaluate attendance at the continuing education.
- H. The Committee shall accept the following as continuing education lecturers or presenters: Licensed Practitioner, Registered Radiologic Technologist, Medical/Health Physicist, Health Care Professional who has attended formal education and passed a formal examination specific for the health care area of interest, and company or service representatives in Radiologic Technology. The Committee will also consider other individuals who demonstrate expertise through the submitted curriculum vitae, education, or work experience relative to the education to be presented.
- I. The approved continuing education and assigned approval number will be effective for a period of three years or until substantial changes in content have occurred, whichever comes first. A new approval must be requested after a period of three years or if substantial changes have been made to the lecture content.
- J. The licensee can only use a continuing education approval number once during the renewal period.
- K. Continuing Education approved by other organizations such as the American Society of Radiologic Technologists, Society of Nuclear Medicine, American Medical Association, American Podiatric Medicine Association, or the American Chiropractic Association, may be accepted. The Committee reserves the right to deny continuing education approved by other organizations. The name and number for the continuing education assigned by other approval processes must be provided on the form. The Committee will accept confirmation forms provided by other approved processes.
- L. If the minimum amount of continuing education is not met, or the continuing education is not approved, the licensee will be placed on probation and has sixty days to complete the required continuing education to receive a renewal license. If the education is not completed the licensee will be considered a lapsed licensee.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- M. Licensees awarded the retired status are exempt from the continuing education requirements so long as they remain on retired status.

### **SECTION XXI. “EARN AND LEARN” UNDER ACT 811 of 2021**

Pursuant to Act 811 of 2021, an applicant shall receive a Limited Licensed Technologist License if they meet the criteria set forth below.

- A. An applicant for licensure under this Rule shall provide satisfactory proof of completion of apprenticeship via official documentation from the apprenticeship program. This documentation may be in the form of a certificate, diploma, or similar official credential, or letter on official program letterhead.
- B. An applicant for licensure under this Rule shall provide satisfactory documentation that the completed apprenticeship program meets the federal guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and that the program has been approved by the United States Office of Apprenticeship or the Arkansas Department of Workforce Services.
- C. An applicant for licensure under this Rule shall meet all the other non-educational requirements for licensure under these Rules, including SECTION VI, SECTION XIV, SECTION XV and SECTION XVI.
- D. If an applicant is denied a license for failing to meet the criteria in A – C, the applicant shall be provided the reason for denial in writing.

### **SECTION XXII. ADMINISTRATION**

- A. The license of a Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist may be suspended or revoked, or the individual may be censured, reprimanded or otherwise sanctioned by the Board in accordance with the provisions and procedures of this act if, after due process, it is found that the individual:
  - (1) Is guilty of fraud or deceit in the procurement or holding of the license;
  - (2) Has been convicted of a felony listed under A.C.A. § 17-3-102;
  - (3) Is or has been afflicted with any medical problem, disability, or addiction, which, in the opinion of the Board, would impair professional competence;
  - (4) Has knowingly aided and abetted a person who is not a Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist, or otherwise authorized by the Act or these rules, to perform the duties of a license holder;
  - (5) Has undertaken or engaged in any practice beyond the scope of duties permitted a license holder under the Act or these rules;

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- (6) Has impersonated a license holder or former license holder or is performing the duties of a Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist under an assumed name;
  - (7) Has been found guilty of violations of the Code of Ethics as established by these rules;
  - (8) Has applied ionizing radiation without the prescription of a Licensed Practitioner;
  - (9) Has interpreted a diagnostic image for a fee;
  - (10) Is, or has been found guilty of incompetence or negligence in his performances as a license holder; or
  - (11) Failure to comply with any provision of the Act or these rules.
- B. Proceedings against the holder of a license shall be instituted by filing a written charge or charges with the Committee. The charge or charges may be brought by a person, corporation, association, public officer, or the Board. The chairperson of the Committee shall appoint a subcommittee of three (3) Committee members to examine the charge or charges and prepare a written recommendation to the Committee stating whether the charge or charges should be dismissed or brought against the licensee. If the Committee determines that the charge or charges contain sufficient merit, the Chairperson shall set a time and place for a hearing.
- A copy of the charge or charges, together with the notice of the time and place of the hearing, shall be served on the person charged either in person or by registered mail at least thirty (30) days before the date set for the hearing. The accused shall have the right to appear at the hearing with counsel, to answer the charge or charges, cross-examine witnesses, and produce evidence and witnesses in his defense. The Committee shall have the power to issue subpoenas for the appearance of witnesses and take testimony under oath.
- C. Any licensee who violates any provision of the Act, or any rule or order made pursuant to the Act shall be subject to a cease and desist order and a fine of not more than one thousand dollars (\$1,000.00) per incident.
- D. All hearings and appeals shall be pursuant to the provisions of the Arkansas Administrative Procedure Act, as amended, § 25-15-201 et seq.

### **SECTION XXIII. CODE OF ETHICS**

A radiologic technologist, licensed technologist, or a limited licensed technologist shall abide by the following:

- A. The Licensee conducts herself or himself in a professional manner, responds to patient needs and supports colleagues and associates in providing quality patient care.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- B. The Licensee acts to advance the principle objective of the profession to provide services to humanity with full respect for the dignity of mankind.
- C. The Licensee delivers patient care and service unrestricted by the concerns of personal attributes or the nature of the disease or illness, and without discrimination on the basis of sex, race, creed, religion, or socioeconomic status.
- D. The Licensee practices radiologic technology founded upon theoretical knowledge and concepts, uses equipment and accessories consistent with the purposes for which they were designed, and employs procedures and techniques appropriately.
- E. The Licensee assesses situations; exercises care, discretion, and judgment; assumes responsibility for professional decisions; and acts in the best interest of the patient.
- F. The Licensee acts as an agent through observation and communication to obtain pertinent information for the physician to aid in the diagnosis and treatment of the patient and recognizes that interpretation, diagnosis, ordering and prescribing radiologic examinations are outside the scope of practice for licensees.
- G. The Licensee respects confidences entrusted in the course of professional practice, respects the patient's right to privacy and reveals confidential information only as required by law or to protect the welfare of the individual or the community.
- H. The Licensee continually strives to improve knowledge and skills by participating in continuing education and professional activities and sharing knowledge with colleagues.

### **SECTION XXIV. SEVERABILITY**

If any provision of these Rules or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or application, and to this end the provisions hereto are declared severable.

### **SECTION XXV. REPEAL**

All rules and parts of rules in conflict herewith are hereby repealed.

# **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

## **CERTIFICATION**

This will certify that the foregoing revisions to the Rules Pertaining to the Radiologic Technology Licensure were adopted by the State Board of Health of Arkansas at a regular session of said Board held in Little Rock, Arkansas, on the \_\_\_\_ day of \_\_\_\_\_, 2023.

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Jennifer Dillaha, M.D.  
Director of the Department of Health  
Arkansas State Board of Health

# **ARKANSAS STATE BOARD OF HEALTH**

## **RULES PERTAINING TO RADIOLOGIC TECHNOLOGY LICENSURE**



PROMULGATED UNDER THE AUTHORITY OF  
ARKANSAS CODE ANN. §17-106-101, [et seq.](#) ~~111~~

Effective \_\_\_\_\_

**Arkansas Department of Health  
Renee Mallory, RN, BSN,  
Interim Secretary of the Department of Health**

**Jennifer Dillaha, MD, FAAP, FIDSA, FPIDS, FAAAS  
Secretary of the Arkansas State Board of Health  
Director of the Arkansas Department of Health**



# RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE

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# **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

## **SECTION I.      AUTHORITY**

These Rules pertaining to Radiologic Technology Licensure are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Act 1071 of 1999, as amended, (Ark. Code Ann. 17-106-101-111) and Act 96 of 1913 (Ark. Code Ann. 20-7-101 et seq).

## **SECTION II.      PURPOSE**

These Rules are adopted for the purpose of regulating and licensing persons administering ionizing radiation to human beings to help keep the radiation dose to patients as low as reasonably achievable.

## **SECTION III.      DEFINITIONS**

- A. 'Act' means Act 1071 of 1999, as amended (Ark. Code Ann. § 17-106-111);
- B. 'ACRRT' means the American Chiropractic Registry of Radiologic Technologists;
- C. 'Administering Ionizing Radiation' means the application of a prescribed dose of ionizing radiation to the human body for the purposes of diagnosis or treatment. Several factors determine the dose received by the patient and these include but are not limited to the positioning of the patient in a radiation field, the exposure to or introduction of ionizing radiation, and the final image production. Each of these factors are prime determinates in the total dose received by the patient;
- D. 'Advanced practice nursing' means the delivery of health care services for compensation by professional nurses who have gained additional knowledge and skills through successful completion of an organized program of nursing education that certifies nurses for advanced practice roles as advanced nurse practitioners, certified nurse anesthetists, certified nurse midwives, and clinical nurse specialists.
- E. 'Apprenticeship' means a program that meets the federal guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and approved by the United States Office of Apprenticeship as meeting the requirements of an apprenticeship
- F. 'ARRT' means the American Registry of Radiologic Technologists;
- G. 'ASCP' means the American Society of Clinical Pathologists;
- H. 'Automatic licensure' means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.
- I. 'Board' means the Arkansas State Board of Health;
- J. 'Category' means a specific area of radiologic sciences, for which there is an identified license and licensing requirements;

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- K. 'CCI', means Cardiovascular Credentialing International;
- L. 'Committee' means the Medical Ionizing Radiation Licensure Committee;
- M. 'Consumer' means a person who is a resident of the state of Arkansas and who is not a Licensed Practitioner or Radiologic Technologist or Licensed Technologist or Limited Licensed Technologist under the Act;
- N. 'Continuing Education Hour' means a period of instruction at least fifty to sixty minutes in length;
- O. 'Contrast Media' means material intentionally administered to the human body to better define a part or parts radiographically;
- P. 'Department' means the Arkansas Department of Health;
- Q. 'Direct Supervision of Students' means responsibility for, and control of, radiation safety, protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic or therapeutic purposes, with the parameters that are outlined by educational accreditation agencies that are recognized by the Board;
- R. 'Fluoroscopy' means a radiological examination that uses a fluorescent screen or image intensifier on which the internal structure of the human body may be continuously viewed by transmission of x-rays through the body;
- S. 'Formal Education' means education obtained through an approved United States Department of Education Institution;
- T. 'Formal Examination' means an examination or evaluation specific to a profession which tests the knowledge base in all three domains of learning: cognitive, affective, and psychomotor;
- U. 'Ionizing Radiation' means gamma rays, x-rays, alpha and beta particles, high speed electrons, protons, neutrons, and other nuclear particles;
- V. 'JRCERT' means the Joint Review Committee for Education in Radiologic Technology;
- W. 'Lapsed Licensee' means a licensee who has let his/her Licensed Technologist License or Limited Licensed Technologist License, Radiologic Technologist License, Radiation Therapy Technologist License, or Nuclear Medicine Technologist License expire for more than five years;
- X. 'License' means a certificate issued by the Committee authorizing the licensee to use radioactive materials or medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes in accordance with these rules;
- Y. 'Licensed Practitioner' means a person licensed to practice medicine, dentistry, podiatric medicine, chiropractic, osteopathy, or optometry in this state;

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- Z. 'Licensed Radiologic Technologist' means a person who holds a national registry with the ARRT, ACRRRT, NMTCB, and/or ASCP, and who is licensed in the State of Arkansas;
- AA. 'Licensed Technologist' means a person other than a Licensed Practitioner, who is grandfathered under the Act and can perform specific radiologic procedures and exams identified by a specific license and who administers radioactive substances or uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes while under the supervision of a Licensed Practitioner;
- BB. 'Limited License' means an authorization to perform radiologic procedures under the supervision of a Licensed Practitioner and are limited to specific parts of the human body, specific procedures, or both, specifically of the chest and skeletal structures excluding fluoroscopy and contrast studies;
- CC. 'Limited Licensed Technologist' means a person, other than a Licensed Practitioner, Radiologic Technologist, or Licensed Technologist, while under the supervision of a Licensed Practitioner and operates medical equipment emitting ionizing radiation for diagnostic purposes on human beings that are limited to specific body parts, and who has successfully passed a limited scope examination deemed appropriate by the Board;
- DD. 'Medical Dosimetrist' means a person who is certified or eligible for certification by the Medical Dosimetry Certification Board;
- EE. 'NMTCB' means Nuclear Medicine Technology Certification Board;
- FF. 'Nuclear Medicine Technologist' means a person, other than a Licensed Practitioner, who performs therapeutic, in vivo, imaging, procedures, prepares radiopharmaceuticals, and administers diagnostic doses of radiopharmaceuticals to human beings while under supervision of a Licensed Practitioner who is licensed as required to possess and use radioactive materials;
- GG. 'Occupational or professional license' means a license, certificate, registration, permit, or other form of authorization required by law or rule for an individual to engage in a particular occupation or profession
- HH. "Occupational or professional licensing entity" means an office, board, commission, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession.
- II. 'PET/CT License' means an authorization to perform radiologic procedures under the supervision of a Licensed Practitioner that is limited to radiologic procedures performed for PET/CT procedures;
- JJ. 'PET/CT Technologist' means a person other than a Licensed Practitioner, who has specific qualifications, education, certification, and responsibilities as recognized by the Committee;

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- KK. 'Radiation Health/Medical Physicist' means a person who is certified or eligible for certification in radiologic physics by the American Board of Radiology, the American Board of Health/Medical Physics, or the American Board of Science in Nuclear Medicine;
- LL. 'Radiation Practitioner' means a Licensed Practitioner that has completed a residency in radiology, nuclear medicine, or radiation oncology, and is certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the American Board of Nuclear Medicine, or its equivalent;
- MM. 'Radiation Therapist' means a person, other than a Licensed Practitioner or Nuclear Medicine Technologist, who applies radiation to humans for therapeutic purposes under the supervision of a Licensed Practitioner;
- NN. 'Radiographer' means a person other than a Licensed Practitioner, who uses medical equipment emitting ionizing radiation for human diagnostic purposes under the supervision of a Licensed Practitioner and holds a national certification obtained through education and examination, licensed under the Act;
- OO. 'Radiography' means the practice of the theory and technical aspects of the use of x-rays which are used in the diagnosis and treatment of disease;
- PP. 'Radiologic Technologist' means a person other than a Licensed Practitioner, who is identified by category and who administers radioactive substances or uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes under the supervision of a Licensed Practitioner, and holds a national certification obtained through education and examination, licensed under the Act;
- QQ. 'Radiologic Technology' is the science of using a radioactive substance or medical equipment emitting or detecting ionizing radiation of humans for diagnostic or therapeutic purposes;
- RR. 'Radiologic Technology Student' means an individual currently enrolled in and attending a school of radiologic technology, radiation therapy, or nuclear medicine with recognized educational accreditation who uses radioactive material on or applies ionizing radiation to a human being while under the supervision of a Licensed Practitioner or a Licensed Radiologic Technologist;
- SS. 'RCIS' means Registered Cardiovascular Invasive Specialist;
- TT. 'RCIS License' means an authorization to perform radiologic procedures under the supervision of a Licensed Practitioner that are limited to fluoroscopic radiologic procedures performed for cardiovascular interventional procedures;
- UU. 'RCIS Technologist' means a person other than a Licensed Practitioner, Radiologic Technologist, or Licensed Technologist, while under the supervision of a Licensed Practitioner and operates medical equipment emitting ionizing radiation for fluoroscopic cardiovascular interventional radiologic purposes on human beings that are limited to

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

specific body parts and only for cardiovascular interventional procedures, who has successfully completed educational requirements and passed an examination deemed appropriate by the Committee;

VV. 'Reciprocity' means the Board may accept an applicant's current certificate, registration, or license issued by another state, provided that it is substantially similar and meets the requirements of Section VIII of these Rules;

WW. 'Retired' means a license holder who notifies the Department in writing that the individual will cease the practice of Radiologic Technology;

XX. 'Scaled Score' means a score that is consistent from exam to exam despite differences in difficulty that may be present among the exams. A scaled score takes into account any differences in exam difficulty. A scaled score represents the same level of performance for all exams.

YY. 'Skeletal Structures' means extremities, skull, sinuses, spine, ankle, and foot of the human body;

ZZ. 'Suspended licensee' means a license holder who after sixty days of expiration date, failed to pay the renewal fee and/or provide documentation of six hours of continuing education credits;

AAA. 'Temporary License' means a certificate issued by the Board, authorizing the applicant to use radioactive materials or medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes, when licensure or relicensure is pending before the Board and when the issuance may be justified by special circumstances as determined by the Board.

BBB. 'Uniformed service member' means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

CCC. 'Uniformed service veteran' means a former member of the United States uniformed services discharged under conditions other than dishonorable.

### **SECTION IV. GENERAL REQUIREMENTS AND RESTRICTIONS**

A. No person, other than a Licensed Practitioner, Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist shall use radioactive materials or medical equipment emitting or detecting ionizing radiation on human beings for diagnostic or therapeutic purposes.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- B. A person holding a license under the Act or these rules shall use medical equipment emitting or detecting ionizing radiation on a human being only by prescription of a Licensed Practitioner or an advanced practice nurse.
- C. No person shall knowingly or negligently employ a person to apply ionizing radiation or administer radiopharmaceuticals to a human being or otherwise engage in the practice of radiologic technology unless the person possesses a valid license issued under the provisions of the Act or these rules within that specific category.
- D. A person shall not apply ionizing radiation or administer radiopharmaceuticals to a human being or otherwise engage in the practice of radiologic technology unless the person possesses a valid license issued under the Act or these rules.
- E. Eligibility for retired status requires that the individual sign an agreement not to engage to any extent whatsoever in actual patient contact in the provision of: radiologic technology, management of radiologic technology, education of persons involved or seeking to become involved in radiologic technology, in commercial sales, services, or applications with respect to any aspect of radiologic technology or items, services, or devices used in that technology.
- F. Based on identified specific educational requirements and/or examinations, the Board may recognize emerging modalities in radiological sciences and procedures.

### **SECTION V.      EXEMPTIONS**

- A. Licensed Practitioners, individuals licensed to practice medicine, dentistry, podiatric medicine, chiropractic, optometry or osteopathy in this state, dental hygienists, registered dental assistants with the expanded duty of radiography, radiation health physicists, radiation medical physicists, chiropractic externs, bone densitometrists and certified medical dosimetrists are exempt from the requirement of obtaining a license to apply ionizing radiation or administer radiopharmaceuticals.
- B. The requirement for a license shall not apply to a student enrolled in and attending a school of radiologic technology, radiation therapy, nuclear medicine technology, chiropractic radiologic technology or cardiovascular intervention with recognized education accreditation, who uses radioactive material on or applies ionizing radiation to a human being for diagnostic or therapeutic purposes while under the supervision of a Licensed Practitioner or Licensed Radiologic Technologist.
- C. The requirement for a license shall not apply to a student enrolled in and attending a health care profession school that is recognized by the United States Department of Education or the Arkansas Department of Higher Education that has radiologic sciences taught in part of the educational process who uses equipment emitting or detecting ionizing radiation.
- D. Nothing in the provisions of the Act or these rules relating to Radiologic Technology shall limit, enlarge, or affect the practice of Licensed Practitioners herein defined.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

### **SECTION VI.     **LICENSES REQUIRED****

- A. A Radiologic Technologist License is required for any individual who holds a national registry with the American Registry of Radiologic Technologists, Nuclear Medicine Technology Certification Board, or the American Society of Clinical Pathologists and uses medical equipment emitting or detecting ionizing radiation or administers radiopharmaceuticals for human diagnostic or therapeutic purposes.
- B. A Licensed Technologist License is required for any individual who uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes under the supervision of a Licensed Practitioner and is licensed under the “Grandfather” provision in the Act.
- C. A Limited Licensed Technologist License is required for any individual who is under the supervision of a Licensed Practitioner and uses medical equipment emitting ionizing radiation for human diagnostic purposes for radiographic examination of the chest or skeletal areas. This license is obtained by successful completion of the examination by the American Chiropractic Registry of Radiologic Technologists or an examination approved by the Arkansas State Board of Health
- D. An RCIS license is required for any individual who is under the supervision of a Licensed Practitioner and operates medical equipment emitting ionizing radiation for fluoroscopic radiologic purposes on human beings that are limited to specific body parts and only for cardiovascular interventional procedures. This license is obtained by successful completion of an examination deemed appropriate by the Committee and approved by the Board.
- E. A Temporary License may be issued by the Board to any individual whose licensure or relicensure may be pending and when issuance may be justified by special circumstances. A temporary license shall be issued only if the Board finds that it will not violate the purpose of the Act or these rules or endanger the public health and safety. A temporary license shall not remain in force longer than one hundred and eighty days. No more than two temporary licenses shall be issued to any individual within a specific category. The Committee may extend the temporary license if the individual demonstrates to the committee a hardship or a continual progression in fulfilling the educational and certification requirements recognized by the Committee.

Only temporary license holders, who have graduated from accredited educational programs, recognized by the Board, and are awaiting examination and licensure may perform fluoroscopy or administer contrast media. Temporary license holders for limited scope, may only perform the radiologic procedures on human beings for which they are preparing to take the examination.

- F. Reactivation of retired license may be reinstated when the individual must pay the renewal fee and provide documentation of six hours of continuing education credits within the year prior to renewal.



## RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE

- G. Renewal of a lapsed license for a licensee who has allowed their Licensed Technologist License or Limited Licensed Technologist License lapse for five years or less will be permitted on the basis of payment of the required renewal fee, an accrued late fee and completion of a minimum of six hours per year continuing education for each year license has lapsed.
- H. Renewal of a lapsed license for a licensee who has let their Licensed Technologist License or Limited Licensed Technologist License expire for more than five years will be based on payment of the required renewal fee, late fee and successful completion of the licensing examination approved by the State of Arkansas. Renewal of a lapsed license for an ARRT or its equivalent technologist who has let their Radiologic Technologist License, Radiation Therapy License or Nuclear Medicine Technology License expire for more than five years will be based on payment of the required renewal fee, late fee, and documentation from the ARRT, NMTCB, ACRRT or CCI of a current valid registry card.

### **SECTION VII. AUTOMATIC LICENSURE UNDER ACT 137 of 2023~~ACT 135 of 2021~~**

#### **A. Applicability**

##### **(1) This Rule applies to a:**

- (a) uniformed service member stationed in the State of Arkansas;
- (b) uniformed service veteran who resides in or establishes residency in the State of Arkansas;
- (c) The spouse of (a)~~(1)~~ or (b)~~(2)~~ including a:
  - (i) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; and,
  - (ii) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

#### **B. Automatic Licensure**

Automatic Licensure shall be granted to persons listed in SECTION VII.A(1)(b)~~Section VII.A.(b)~~ if:

- (1) The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States; and;
- (2) The person pays the licensure fee in SECTION XV.

#### **C. Credit toward initial licensure**

## RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE

Relevant and applicable uniformed service education, training, [national certification](#), or service-issued credential shall be accepted toward initial licensure. ~~for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.~~

### D. Expiration Dates and Continuing Education

- (1) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
- (2) A uniformed service member or spouse shall be exempt from continuing education requirements in SECTION XX. for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.
- (3) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education evidence of before renewal or grant of a subsequent license.

## **SECTION VIII. RECIPROCITY UNDER ACT 426 OF 2019**

A. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:

- (1) The applicant shall hold a substantially similar license in another United States jurisdiction.
  - (a) A license from another state is substantially similar to an Arkansas Radiologic Technology license if the other state's licensure qualifications require:
    - (i) Graduation from an accredited Radiologic Technology School; and
    - (ii) Pass the applicable exam as listed in SECTION XIV.A of these Rules.
  - (b) The applicant shall hold his or her occupational licensure in good standing;
  - (c) The applicant shall not have had a license revoked for:
    - (i) An act of bad faith; or
    - (ii) A violation of law, rule, or ethics;
  - (d) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
- (2) The applicant shall be sufficiently competent in the Radiologic Technology.

B. Required documentation. An applicant shall submit a fully executed application, the required fee, and the documentation described below.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- (1) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas', the applicant shall submit the following information:
  - (a) Evidence of current and active licensure in that state. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board; and
  - (b) Evidence that the other state's licensure requirements match those listed in SECTION VIII.A(1)(a). The Board may verify this information online or by telephone to the other's state's licensing board.
- (2) To demonstrate that the applicant meets the requirements in SECTION VIII.A(1)(b) through (d), the applicant shall provide the Board with:
  - (a) The names of all states in which the applicant is currently licensed or has been previously licensed;
  - (b) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in SECTION VIII.A(1)(c) and
  - (c) does not hold a license on suspended or probationary status as described in SECTION VIII.A(1)(d) The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board.
- (3) As evidence that the applicant is sufficiently competent in the field of Radiologic Technology, an applicant shall:
  - (a) Pass the applicable exam as listed in [SECTION XIV.A](#) ~~Section XII.A~~ of these Rules.

### **SECTION IX.      PROVISIONAL LICENSE UNDER ACT 1011 OF 2019**

- A. The Board shall issue a provisional license immediately upon receipt of the application, the required fee, and the documentation required under SECTION VIII.B(1)(a) and (b).
- B. The provisional license shall be effective for six months unless the Board determines that the applicant does not meet the requirements in Radiologic Technology in which case the provisional license shall be immediately revoked.
- C. An applicant may provide the rest of the documentation required above in order to receive a regular license, or the applicant may only provide the information necessary for the issuance of a provisional license.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

### **SECTION X. LICENSE FOR A PERSON FROM A STATE THAT DOESN'T LICENSE PROFESSION UNDER ACT 1011 OF 2019.**

- A. Required Qualifications. An applicant from a state that does not license Radiologic Technologists shall meet the following requirements
  - (1) The applicant shall be sufficiently competent in the Radiologic Technology; and
  - (2) Current registration with the American Registry of Radiologic Technologists.
- B. Required documentation. An applicant shall submit a fully executed application, the required fee, and the documentation described below.
  - (1) As evidence that the applicant is sufficiently competent in the field Radiologic Technology, an applicant shall:
    - (a) Pass the applicable exam as listed in SECTION XIV.A of these Rules.

### **SECTION XI. RECIPROCITY AND STATE—SPECIFIC EDUCATION UNDER ACT 1011 OF 2019.**

- A. The Board shall require an applicant to take the Limited Scope Radiologic Technologist exam if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity provided to out-of-state applicants in SECTION VIII.
- B. Reciprocity in another state will be considered similar to reciprocity under SECTION VIII if the reciprocity provisions in the other state:
  - (1) Provide the least restrictive path to licensure for Arkansas applicants;
  - (2) Do not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new professional in that state, except that the state may require Arkansas applicants to participate in continuing education or training that is required for all professionals in that state to maintain the licensure.
  - (3) Do not require Arkansas applicants to take a state-specific education unless required to do so under the same conditions described in SECTION VIII.

### **SECTION XII. PRE-LICENSURE PROHIBITING OFFENSE DETERMINATION**

- A. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- B. The individual must obtain the pre-licensure criminal background check petition form from the *Medical Ionizing Radiation Licensure Committee (MIRLC)*.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- C. The **MIRLC** will respond with a decision in writing to a completed petition within a reasonable time.
- D. The **MIRLC** response will state the reason(s) for the decision.
- E. All decisions of the **MIRLC** in response to the petition will be determined by the information provided by the individual.
- F. Any decision made by the **MIRLC** in response to a pre-licensure criminal background check petition is not subject to appeal.
- G. The **MIRLC** will retain a copy of the petition and response and it will be reviewed during the formal application process.

### **SECTION XIII. WORK PERMIT UNDER ACT 746 of 2021**

The Radiologic Technology Licensure Program shall grant an occupational or professional license under this section to an individual who fulfills the requirements to practice an occupation or profession in this state and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit".

### **SECTION XIV. QUALIFICATIONS FOR EXAMINATIONS**

- A. Accepted Examinations. The accepted examinations for licensure are the ARRT, NMTCB, ASCP, ACRRT or CCI examinations for the licensing examinations approved by the Board. The categories of examinations approved by the Board are: Radiography, Radiation Therapy, Nuclear Medicine Technology, Limited Chest, Limited Spine, Limited Extremities, Limited Skull and Sinus, Limited Ankle and Foot and RCIS.
- B. Process for Examination Qualifications. The applicant shall apply for any examination for licensure by providing the Department with the necessary information on the examination application form provided by the Department.
- C. Examination pass/fail. The minimum passing score shall be a scaled score of 70.
- D. Re-examination. Upon payment of examination fee and completion of the examination application process, there will be no limitation on the number of times the examination can be taken.

### **SECTION XV. FEES**

- A. Examination Fee. The examination fee will be set by the vendor contracted with the department to administer the examinations that meet the requirements of the Arkansas State Board of Health. This fee is non-refundable.
- B. License Fee. The license fee shall be forty-five dollars for one category. The license fee for more than one category shall be sixty-five dollars. This fee is non-refundable.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- C. Temporary Fee. The temporary fee shall be forty-five dollars for each additional temporary license. The temporary license may be renewed once. The temporary license fee will be transferred to the license fee following successful completion of the examination, for a period of one hundred eighty days with the renewal date being one hundred eighty days from the date of the original temporary license that was issued. If a test is not available, the renewal date will be the date when the examination is available. This fee is non-refundable.
- D. Student Temporary Fee. The fee shall be forty-five dollars and may be renewed once. There will not be an additional fee for renewal if successful completion of the ARRT, NMTCB, ACRRT, CCI or other licensing examination approved by the Board has occurred. This will apply for a student in an approved United States Department of Education school. This fee will be transferred to the license fee for a period of one year. This fee is non-refundable.
- E. Late Fee. The late fee will be fifty percent of the license fee. The late fee will be accrued on the expiration date of the license. This fee is non-refundable.

### **SECTION XVI. FEE WAIVER UNDER ACT 725 OF 2021**

- A. Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:
  - (1) Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);
    - (a) Were approved for unemployment within the last twelve (12) months; or
    - (b) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.
- B. Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.
  - (1) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;
  - (2) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or
  - (3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- C. Applicants shall attest that the documentation provided under B is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

### **SECTION XVII. DISPLAY OF LICENSE**

Licensees shall display the official license document or a copy of the license, which has been notarized by a notary public in each place of employment, and the document shall be made available upon its request. The licensee shall display their license at the primary location of employment, or where the licensee is regularly scheduled to work. The licensee can have a notarized copy on file when working at a facility other than their primary place of work.

### **SECTION XVIII. ~~SECTION XIX~~ RENEWAL DATE**

- A. A license shall be renewed annually. The renewal date shall be one year from the date of issuance.
- B. A temporary license may be renewed once at the end of the one hundred eighty-day period for the temporary license.

### **SECTION XIX. EDUCATIONAL PROGRAM STANDARDS**

The standards the Board will accept for Educational Programs in Radiologic Technology are programs that are accredited by the United States Department of Education through the Joint Review Committee on Education in Radiologic Technology, Joint Review Committee on Educational Programs in Nuclear Medicine Technology, Chiropractic Radiologic Technology and Cardiovascular Credentialing International, or equivalent.

### **SECTION XX. CONTINUING EDUCATION STANDARDS**

A minimum of six hours of continuing education is required for license renewal for all license holders. A continuing education hour is defined as being equal to fifty to sixty minutes. Educational activities of thirty to forty-nine minutes in duration will be awarded one-half continuing education credit. Educational activities longer than one hour will only be awarded half and whole hour credits. Educational activities less than thirty minutes will receive no credit. The continuing education will be required on a prorated basis for temporary license holders. If a temporary license has been renewed, the holder will be required to meet the full six hours of education.

- A. The six hours of continuing education is to have been acquired within the year preceding the date of renewal.
- B. Three of the six hours must be in the Radiologic Sciences, in the core areas of all licenses such as radiation protection, equipment operation and maintenance, image production and evaluation, patient care and management and radiopharmaceuticals. The other three hours may be in other areas related to health care.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- C. Continuing education may be provided by the licensed practitioner or a hospital in-service education department. The sponsor of the continuing education must provide specific information on the continuing education forms provided by the Department. Request for approval must be made to the Committee at least thirty days prior to the educational activity.
- D. The information required is a request approval form, objectives, outline and lecture or presenter curriculum vita.
- E. The Committee will review the information and if approved, the Committee will assign a continuing education approval number.
- F. The sponsor shall document attendance at continuing education and shall provide documentation in suitable format to the Department.
- G. The participant must keep a record of his/her continuing education and submit the information on the annual renewal form for license renewal. The Committee may perform random checks to evaluate attendance at the continuing education.
- H. The Committee shall accept the following as continuing education lecturers or presenters: Licensed Practitioner, Registered Radiologic Technologist, Medical/Health Physicist, Health Care Professional who has attended formal education and passed a formal examination specific for the health care area of interest, and company or service representatives in Radiologic Technology. The Committee will also consider other individuals who demonstrate expertise through the submitted curriculum vitae, education, or work experience relative to the education to be presented.
- I. The approved continuing education and assigned approval number will be effective for a period of three years or until substantial changes in content have occurred, whichever comes first. A new approval must be requested after a period of three years or if substantial changes have been made to the lecture content.
- J. The licensee can only use a continuing education approval number once during the renewal period.
- K. Continuing Education approved by other organizations such as the American Society of Radiologic Technologists, Society of Nuclear Medicine, American Medical Association, American Podiatric Medicine Association, or the American Chiropractic Association, may be accepted. The Committee reserves the right to deny continuing education approved by other organizations. The name and number for the continuing education assigned by other approval processes must be provided on the form. The Committee will accept confirmation forms provided by other approved processes.
- L. If the minimum amount of continuing education is not met, or the continuing education is not approved, the licensee will be placed on probation and has sixty days to complete the required continuing education to receive a renewal license. If the education is not completed the licensee will be considered a lapsed licensee.



## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- M. Licensees awarded the retired status are exempt from the continuing education requirements so long as they remain on retired status.

### **SECTION XXI. “EARN AND LEARN” UNDER ACT 811 of 2021**

Pursuant to Act 811 of 2021, an applicant shall receive a Limited Licensed Technologist License if they meet the criteria set forth below.

- A. An applicant for licensure under this Rule shall provide satisfactory proof of completion of apprenticeship via official documentation from the apprenticeship program. This documentation may be in the form of a certificate, diploma, or similar official credential, or letter on official program letterhead.
- B. An applicant for licensure under this Rule shall provide satisfactory documentation that the completed apprenticeship program meets the federal guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and that the program has been approved by the United States Office of Apprenticeship or the Arkansas Department of Workforce Services.
- C. An applicant for licensure under this Rule shall meet all the other non-educational requirements for licensure under these Rules, including SECTION VI, SECTION XIV, SECTION XV and SECTION XVI.
- D. If an applicant is denied a license for failing to meet the criteria in A – C, the applicant shall be provided the reason for denial in writing.

### **SECTION XXII. ADMINISTRATION**

- A. The license of a Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist may be suspended or revoked, or the individual may be censured, reprimanded or otherwise sanctioned by the Board in accordance with the provisions and procedures of this act if, after due process, it is found that the individual:
  - (1) Is guilty of fraud or deceit in the procurement or holding of the license;
  - (2) Has been convicted of a felony listed under A.C.A. § 17-3-102;
  - (3) Is or has been afflicted with any medical problem, disability, or addiction, which, in the opinion of the Board, would impair professional competence;
  - (4) Has knowingly aided and abetted a person who is not a Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist, or otherwise authorized by the Act or these rules, to perform the duties of a license holder;
  - (5) Has undertaken or engaged in any practice beyond the scope of duties permitted a license holder under the Act or these rules;

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- (6) Has impersonated a license holder or former license holder or is performing the duties of a Radiologic Technologist, Licensed Technologist, or Limited Licensed Technologist under an assumed name;
  - (7) Has been found guilty of violations of the Code of Ethics as established by these rules;
  - (8) Has applied ionizing radiation without the prescription of a Licensed Practitioner;
  - (9) Has interpreted a diagnostic image for a fee;
  - (10) Is, or has been found guilty of incompetence or negligence in his performances as a license holder; or
  - (11) Failure to comply with any provision of the Act or these rules.
- B. Proceedings against the holder of a license shall be instituted by filing a written charge or charges with the Committee. The charge or charges may be brought by a person, corporation, association, public officer, or the Board. The chairperson of the Committee shall appoint a subcommittee of three (3) Committee members to examine the charge or charges and prepare a written recommendation to the Committee stating whether the charge or charges should be dismissed or brought against the licensee. If the Committee determines that the charge or charges contain sufficient merit, the Chairperson shall set a time and place for a hearing.
- A copy of the charge or charges, together with the notice of the time and place of the hearing, shall be served on the person charged either in person or by registered mail at least thirty (30) days before the date set for the hearing. The accused shall have the right to appear at the hearing with counsel, to answer the charge or charges, cross-examine witnesses, and produce evidence and witnesses in his defense. The Committee shall have the power to issue subpoenas for the appearance of witnesses and take testimony under oath.
- C. Any licensee who violates any provision of the Act, or any rule or order made pursuant to the Act shall be subject to a cease and desist order and a fine of not more than one thousand dollars (\$1,000.00) per incident.
- D. All hearings and appeals shall be pursuant to the provisions of the Arkansas Administrative Procedure Act, as amended, § 25-15-201 et seq.

### **SECTION XXIII. CODE OF ETHICS**

A radiologic technologist, licensed technologist, or a limited licensed technologist shall abide by the following:

- A. The Licensee conducts herself or himself in a professional manner, responds to patient needs and supports colleagues and associates in providing quality patient care.

## **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

- B. The Licensee acts to advance the principle objective of the profession to provide services to humanity with full respect for the dignity of mankind.
- C. The Licensee delivers patient care and service unrestricted by the concerns of personal attributes or the nature of the disease or illness, and without discrimination on the basis of sex, race, creed, religion, or socioeconomic status.
- D. The Licensee practices radiologic technology founded upon theoretical knowledge and concepts, uses equipment and accessories consistent with the purposes for which they were designed, and employs procedures and techniques appropriately.
- E. The Licensee assesses situations; exercises care, discretion, and judgment; assumes responsibility for professional decisions; and acts in the best interest of the patient.
- F. The Licensee acts as an agent through observation and communication to obtain pertinent information for the physician to aid in the diagnosis and treatment of the patient and recognizes that interpretation, diagnosis, ordering and prescribing radiologic examinations are outside the scope of practice for licensees.
- G. The Licensee respects confidences entrusted in the course of professional practice, respects the patient's right to privacy and reveals confidential information only as required by law or to protect the welfare of the individual or the community.
- H. The Licensee continually strives to improve knowledge and skills by participating in continuing education and professional activities and sharing knowledge with colleagues.

### **SECTION XXIV. SEVERABILITY**

If any provision of these Rules or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or application, and to this end the provisions hereto are declared severable.

### **SECTION XXV. REPEAL**

All rules and parts of rules in conflict herewith are hereby repealed.

# **RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE**

## **CERTIFICATION**

This will certify that the foregoing revisions to the Rules Pertaining to the Radiologic Technology Licensure were adopted by the State Board of Health of Arkansas at a regular session of said Board held in Little Rock, Arkansas, on the \_\_\_\_ day of \_\_\_\_\_, 2023.

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Jennifer Dillaha, M.D.  
Director of the Department of Health  
Arkansas State Board of Health

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT \_\_\_\_\_  
BOARD/COMMISSION \_\_\_\_\_  
BOARD/COMMISSION DIRECTOR \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE NO. \_\_\_\_\_ EMAIL \_\_\_\_\_  
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING \_\_\_\_\_  
PRESENTER EMAIL(S) \_\_\_\_\_

**INSTRUCTIONS**

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, [miller-ricer@blr.arkansas.gov](mailto:miller-ricer@blr.arkansas.gov), for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, [garritym@blr.arkansas.gov](mailto:garritym@blr.arkansas.gov), for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

\*\*\*\*\*

1. What is the official title of this rule?  
\_\_\_\_\_
2. What is the subject of the proposed rule? \_\_\_\_\_
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes      No

*If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).*

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes      No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? \_\_\_\_\_

On what date does the emergency rule expire? \_\_\_\_\_

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?  
Yes      No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes      No

If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

*Please be sure to advise Bureau Staff if this information changes for any reason.*

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. \_\_\_\_\_

15. What is the proposed effective date for this rule? \_\_\_\_\_

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes      No

If yes, please explain.



**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** \_\_\_\_\_  
**BOARD/COMMISSION** \_\_\_\_\_  
**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_  
**TELEPHONE NO.** \_\_\_\_\_ **EMAIL** \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

**TITLE OF THIS RULE** \_\_\_\_\_

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes                      No
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes                      No
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes                      No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:  
(a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes      No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



# Arkansas Department of Health

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**Governor Sarah Huckabee Sanders**

**Renee Mallory, RN, BSN, Secretary of Health**

**Jennifer Dillaha, MD, Director**

## **PROPOSED REVISIONS TO RULES PERTAINING TO RADIOLOGIC TECHNOLOGY LICENSURE**

### **BACKGROUND**

Pursuant to A.C.A. § 17-106-101, et seq. the Department has authority to promulgate the Rules Pertaining to Radiologic Technology Licensure. These rules govern the qualifications for licensure of individuals who apply ionizing radiation to humans for medical purposes.

### **KEY POINTS**

The proposed rule:

- Makes changes to comply with Act 137 of 2023.

### **DISCUSSION**

The Rules Pertaining to Radiologic Technology Licensure are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, the Consumer-Patient Radiation Health and Safety Act, specifically Ark. Code Ann. § 17-106-101, et seq.

The Radiation Control Section of the Department licenses individuals who apply ionizing radiation to humans for medical purposes. This involves the use of x-ray equipment and nuclear medicine procedures. The Section licenses radiologic technologists with national professional credentials and medical staff who have passed national examinations allowing them to take limited radiographs.

Act 137 of 2023 required modification to the Rules Pertaining to Radiologic Technology Licensure, specifically modification for the automatic licensure requirements for uniformed service members.