

STATE OF WISCONSIN
RADIOGRAPHY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	RADIOGRAPHY EXAMINING
RADIOGRAPHY EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 25-036)

PROPOSED ORDER

An order of the Radiography Examining Board to **create** RAD 1.02 (3m), (13e), (13m), (13s), (15m), and (17) and 4.02 (3) and (4) relating to Definitions and Scope of Practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 462.06 (2), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 462.06 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats., provides that “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 462.06 (2), Stats.: “The board may promulgate rules that establish a code of ethics for persons who hold a license or limited X-ray machine operator permit under s. 462.03.”

Related statute or rule:

None.

Plain language analysis:

The objective of the proposed rule is to clarify and add detail to the regulations on when a radiographer license is required for the use of various medical imaging technologies. Chapter RAD 1, Wis. Admin. Code, contains definitions for the radiography code, and chapter RAD 4 contains regulations on scope of practice for radiographers and limited X-ray machine operators. The proposed rule creates new definitions in chapter RAD 1 for various medical imaging technologies and technical terms in the field. In chapter RAD 4, the proposed rule creates new regulations that clarify and add detail to a licensed radiographer's and limited x-ray machine operator's scope of practice regarding the use of computed tomography and nuclear medicine. Performing the aspects of computed tomography that involve applying x-rays to patients requires a radiographer license. Performing nuclear medicine does not require a radiographer license or LXMO permit if x-rays are applied only for the purpose of attenuation correction. A radiographer license is required if x-rays are applied for a purpose other than attenuation correction.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Emergency Management Agency provide for credentialling in the use of medical radiation technology in Illinois [32 Ill. Admin. Code 401]. These rules require the credentialling of any person who applies ionizing radiation to humans or who otherwise uses medical radiation technology, unless specifically exempted by their statutes and rules. This is a broad requirement and includes the disciplines of medical radiography, nuclear medicine technology, radiation therapy technology, and chiropractic radiography. Their code is extremely comprehensive on this topic and provides definitions and regulations on these medical roles and many more. It also provides definitions and regulations on the different types of medical imaging technologies. Applicants can be credentialled in one or more of the following categories: Medical Radiography, Nuclear Medicine Technology, Radiation Therapy Technology, Chiropractic Radiography, Limited Diagnostic Radiography, Radiologist Assistant, and Nuclear Medicine Advanced Associate.

Iowa:

641 IAC 42 requires credentialling of individuals who operate or use ionizing radiation producing machines or administer radioactive materials on or to human patients or human research subjects for diagnostic or therapeutic purposes. The code does provide exemptions for

licensed medical practitioners. Similar to Illinois, the code provides definitions for the various related medical imaging technologies and medical roles, such as computed tomography, nuclear medicine procedure, nuclear medicine technologist, PET/CT, radiation therapist, and others. It provides comprehensive regulations for licensees in the following categories: general radiologic technologist, general nuclear medicine technologist, radiation therapist, radiologist assistant, limited radiologic technologist, and X-ray equipment operator, and others.

Michigan:

The State of Michigan does not license operators of x-ray machines, nor does it have any requirements relative to the licensure or credentialing of x-ray machine operators except for operators of mammography machines (Mich Admin Code, R 333.5630) and CT machines (Mich Admin Code, R 325.5705). Mammographic examinations must be performed by a radiologic technologist who meets the requirements of 21 C.F.R. 900.12 (a) (2), "Radiologic technologists" (2000). CT examinations must be performed by a radiologic technologist who meets the Michigan code's licensing requirements or by a licensed physician or osteopathic physician.

Minnesota:

The Minnesota Statutes, Section 144.121 regulate the use of x-ray systems on living humans. To operate an X-ray system, individuals must have passed a national or state examination. These include the American Registry of Radiologic Technologists (ARRT) radiography examination, the American Chiropractic Registry of Radiologic Technologists examination, the ARRT radiation therapy examination, the Minnesota examination for limited scope x-ray operators, the Minnesota examination for bone densitometry equipment operators, or others. Cardiovascular technologists must be credentialed by Cardiovascular Credentialing International. Nuclear medicine technologists must be credentialed by the Nuclear Medicine Technology Certification Board, the ARRT for nuclear medicine technology, or the American Society of Clinical Pathologists. Minnesota also provides credentialing exemptions for licensed dental health practitioners and other health care practitioners.

Summary of factual data and analytical methodologies:

The proposed rules were developed by the Radiography Examining Board reviewing the current statutes and codes that regulate the use of medical imaging technologies and determining where more clarity and updates are needed in the code.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules are not expected to have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted at Jennifer.Garrett@wisconsin.gov or (608) 266-2112.

Agency contact person:

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-0989; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. RAD 1.02 (3m) is created to read:

RAD 1.02 (3m) "Computed tomography" means the production of images by the acquisition and computer processing of x-ray transmission data.

SECTION 2. RAD 1.02 (13e) is created to read:

RAD 1.02 (13e) "Nuclear medicine" means the administration and detection of radiopharmaceuticals for diagnostic and therapeutic purposes.

SECTION 3. RAD 1.02 (13m) is created to read:

RAD 1.02 (13m) "PET-CT" means a hybrid nuclear medicine imaging technique that combines the use of positron emission tomography and attenuation correction.

SECTION 4. RAD 1.02 (13s) is created to read:

RAD 1.02 (13s) "Positron emission tomography" means a nuclear medicine imaging technique that produces a two-dimensional or three-dimensional image of functional processes in the body by detecting pairs of gamma rays emitted indirectly by a positron-emitting radionuclide.

SECTION 5. RAD 1.02 (15m) is created to read:

RAD 1.02 (15m) "SPECT-CT" means a hybrid nuclear medicine imaging technique that combines the use of single-photon emission tomography and attenuation correction.

SECTION 6. RAD 1.02 (17) is created to read:

RAD 1.02 (17) “X-ray” means a type of electromagnetic radiation with wavelengths shorter than those of ultraviolet rays and longer than those of gamma rays.

SECTION 7. RAD 4.02 (3) and (4) are created to read:

RAD 4.02 (3) COMPUTED TOMOGRAPHY. Performing the aspects of computed tomography that involve applying x-rays to patients requires a radiographer license. Performing the aspects of computed tomography that do not involve applying x-rays to patients does not require a radiographer license or LXMO permit.

RAD 4.02 (4) NUCLEAR MEDICINE. (a) Performing nuclear medicine without the use of x-rays does not require a radiographer license or LXMO permit.

(b) Performing PET-CT or SPECT-CT does not require a radiographer license or LXMO permit if x-rays are applied only for the purpose of attenuation correction. A radiographer license is required if x-rays are applied for a purpose other than attenuation correction.

(c) Performing nuclear medicine does not require a radiographer license or LXMO permit if x-rays are applied only for the purpose of attenuation correction. A radiographer license is required if x-rays are applied for a purpose other than attenuation correction.

SECTION 8. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Radiography Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chairperson
Radiography Examining Board