

Clearinghouse Rule 16-030

STATE OF WISCONSIN
RADIOGRAPHY EXAMINING BOARD

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

PROPOSED ORDER

An order of the Radiography Examining Board to amend RAD 4.01 (2) and 4.02 (2) relating to scope of practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority: Sections 15.08 (5) (b) and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides examining boards, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency, “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Related statute or rule:

None.

Plain language analysis:

The current rule defines the scope of practice for radiographers and limited X-ray machine operators by reference to the standards set by the American Society of Radiologic Technologists (ASRT) in 2010. ASRT updated the standards in 2013. The proposed rule would amend the administrative code to reference the 2013 standards.

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

None.

Comparison with rules in adjacent states:

Illinois:

The standards of practice in Illinois Administrative Code do not reference the American Society of Radiologic Technologist standards.

Iowa:

The standards of practice in Iowa Administrative Code do not reference the American Society of Radiologic Technologist standards.

Michigan:

The standards of practice in Michigan Administrative Code do not reference the American Society of Radiologic Technologist standards.

Minnesota:

The standards of practice in Minnesota Administrative Code do not reference the American Society of Radiologic Technologist standards.

Summary of factual data and analytical methodologies:

This rule updates the applicable scope of practice standards to reference the current 2013 American Society of Radiologic Technologists standards. Neighboring states requirements were also reviewed.

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

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

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151,

P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at Dale2.Kleven@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Dale2.Kleven@wisconsin.gov. Comments must be received on or before August 3, 2016 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. RAD 4.01 (2) is amended to read:

RAD 4.01 (2) The scope of practice of a licensed radiography is defined in the Radiography Standards, Practice Standards for Medical Imaging and Radiation Therapy, ~~2010~~ 2013 American Society of Radiologic Technologists.

SECTION 2. RAD 4.02 (2) is amended to read:

RAD 4.02 (2) The scope of practice of a LXMO is defined in the Limited X-ray Machine Operator Practice Standards, ~~2010~~ 2013 American Society of Radiologic Technologists.

SECTION 3. 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)
