

CR 11-016

STATE OF WISCONSIN
RADIOGRAPHY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : RADIOGRAPHY EXAMINING BOARD
RADIOGRAPHY EXAMINING : ADOPTING RULES
BOARD : (CLEARINGHOUSE RULE 11- 016)

ORDER

An order of the Radiography Examining Board, to create chs. RAD 1 to 6, relating to radiography.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Chapter 462, Stats.

Statutory authority:

Sections 15.08(5), 227.11 (2), 462.06, Stats.

Explanation of agency authority:

Under 2009 Act 106, codified at s. 462.06, Stats., the Radiography Examining Board (RAD) is authorized to promulgate rules which establish the standards for courses of study, examinations, continuing education, and a code of ethics for the newly created radiographer license and limited x-ray machine operator permit (LXMO), and to effectuate the purpose of the statute.

Related statute or rule:

There are no other statutes or rules other than those listed above.

Plain language analysis:

SECTION 1 creates ch. RAD 1, entitled “Authority and Definitions.”

Section RAD 1.01 identifies the statutory authority under which chapters RAD 1 to 6 are adopted.

Section RAD 1.02 defines the terms used in chapters RAD 1 to 6 applicable to the credentialing and practice of radiographers and limited x-ray machine operators.

SECTION 2 creates ch. RAD 2, entitled “Requirements for Radiographer License”

Section 2.01 establishes the criteria for issuance of a license to practice as a radiographer.

Section 2.02 establishes the standards for an approved course of study.

Section 2.03 establishes the standard for examination required for licensure.

Both Section 2.02 and 2.03 provide that active certification by the American Registry of Radiologic Technologists (ARRT) is deemed to satisfy the educational and examination requirements for licensure in the proposed rules.

Section 2.04 contains the requirements for issuance of license by endorsement to persons who holds a radiography credential in another jurisdiction.

Section 2.05 provides the basis for denial of an application for licensure.

Note: Although the non-statutory provisions of 2009 Act 106 creates a transitional period for the issuance of a radiographer license, the educational qualifications of the national examination provider, ARRT, effectively preclude the board from offering a license under the non-statutory terms of the act. The ARRT requires that a person shall complete an approved course of study in radiography to be eligible to take the ARRT radiographer examination, as well as sets the passing score, and defines the reexamination options available to examinees. Unlike the limited scope machine operator examination for which eligibility can be determined by each state under the state laws, the board cannot waive the completion of an approved course of study for the ARRT radiographer examination.

SECTION 3 creates ch. RAD 3, entitled “Requirements for Limited X-Ray Machine Operator (LXMO) Permit”.

Section 3.01 establishes the criteria for issuance of a permit to practice as a LXMO.

Section 3.02 establishes the standards for an approved course of study for a permit.

Section 3.03 establishes the standards for examination.

Section 3.04 establishes the Board’s authority to determine the passing grade for the examination.

Section 3.05 limits the number of reexamination attempts allowed within a 12 month period.

Section 3.06 establishes the requirements for issuance of a permit during the non-statutory transitional period. During the “transitional” period a person may receive a LXMO permit without completing a formal course of study if the person has been engaged in the limited scope practice of radiography for at least 3 of the 5 years immediately preceding the application. A person who applies for a permit during the transitional period shall successfully pass the required examination. Beginning on March 1, 2012, a person who applies for a LXMO permit shall be required to complete both the required course of study and pass the board-approved limited scope examination in order to receive the credential.

Section 3.07 provides the basis for denial of an application for a permit.

SECTION 4 creates ch. RAD 4, entitled “Scope of Practice”

Section 4.01 establishes the scope and standards of practice for a licensed radiographer based upon nationally recognized and accredited sources.

Section 4.02 establishes the scope and standards of practice for a LXMO permit holder based upon nationally recognized and accredited sources.

SECTION 5 creates ch. RAD 5, entitled “Continuing Education.”

Section 5.01 establishes the continuing education requirements for renewal of a license or permit.

Section 5.02 provides the method for verifying compliance with the continuing education requirements.

Section 5.03 defines those who are recognized providers of continuing education deemed acceptable to the board.

Section 5.04 establishes the recordkeeping requirements for continuing education hours.

Section 5.05 establishes the random audit process for verifying continuing education compliance.

Section 5.06 provides for a waiver or postponement of the continuing education requirements on the basis of a hardship and defines the meaning of hardship.

Section 6 creates ch. RAD 6, entitled “Unprofessional Conduct.”

Section 6.01 establishes a code of ethics for persons who practice radiography with a license or permit issued under this chapter. The rules of unprofessional conduct list 16 separate acts or behavior which may result in disciplinary action by the board.

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

There is no existing or proposed federal regulation that addresses licensure and activities to be regulated by the rule. Existing federal laws are pertinent to the accreditation standards for radiography programs.

Comparison with rules in adjacent states:

The comparison information with the rules in adjacent states was obtained directly from a review of the following statutes and rules.

Iowa

641 Iowa Admin. Code 42 specifies the training requirements for diagnostic radiographers, limited diagnostic radiographers and limited in-hospital diagnostic radiographers. Iowa requires satisfactory completion of an agency approved training program, satisfactory completion of an agency-approved examination and submission of the appropriate fee. 641 Iowa Admin. Code 42.2(1). To renew, licensees must submit an annual renewal application which includes specified fees and completion of continuing education requirements. 641 Iowa Admin Code 42.2(4). Iowa requires successful completion of a Joint Review Committee on Education in a Radiologic Technology approved course of study, certification by the American Registry of Radiologic Technologists (ARRT) or the American Registry of Clinical Radiography Technologists, or an equivalent agency-approved training course to prepare students to demonstrate competency in various areas including radiation protection of patients and workers, technique and quality control to achieve diagnostic objectives with minimum patient exposure, and patient care. See 641 Iowa Admin. Code 42.3(1). The Iowa Department of Public Health contracts with the American Registry of Radiography Technologists for the certification examination. Individuals who have passed the general radiography examination with the ARRT meet testing requirements. Limited diagnostic radiographers must also complete an approved course of study and pass the limited scope examination. Radiographers must have 24 clock hours of continuing education during a two-year period. One hour must be in radiation protection. Limited diagnostic radiographers and limited in-hospital diagnostic radiographers must have 12 clock hours, with one hour in radiation protection. 641 Iowa Admin. Code 42.2(3).

<http://www.legis.state.ia.us/aspx/ACODOCS/DOCS/641.42.pdf>

ILLINOIS:

32 Illinois Admin. Code 401 accredits persons in the practice of medical radiation technology by requiring minimum standards for preparatory education and experience as

well as examination and continuing education requirements. Illinois recognizes both active status accreditation and temporary accreditation for medical radiography. Active accreditation applies to individuals who have passed an examination; temporary accreditation applies to persons who have completed an approved program in radiography. Individuals who seek active or temporary accreditation in medical radiography must pass the certification examination of the American Registry of Radiology Technologists. See s. 401.70. Renewal of medical radiography accreditation requires 24 continuing education credits. See Ill Admin. Code 401.140(b). CE requirements may be met by engaging in activity approved by the agency, including approved post-secondary courses relevant to radiology science and/or patient care, advanced life support or instructor/instructor trainer certification, or an advanced level exam approved or acceptable to ARRT. An individual may not legally perform medical radiation technology without valid accreditation or without express approval of the Agency. Technologists seeking renewal are required to attest they acquired the necessary number of continuing education credits and the agency may perform an audit in which the individual is asked to provide documentation of continuing education. Illinois assesses civil penalties against those who perform medical radiation procedures without valid accreditation. Illinois' rules closely follow the draft model rules of the Conference of Radiation Control Program Directors.

http://www.state.il.us/iema/legal/pdf/32_401.pdf

MINNESOTA:

In Minnesota, human use x-ray operator minimum requirements are set forth in Minn. Stat. 144.121 – X-Ray Machines; Other Sources of Ionizing Radiation. The Minnesota Department of Health requires initial site specific training and additional training if there is a change to a registrant's quality assurance program. An individual in a facility with registered x-ray equipment may not operate the equipment unless the individual passes a national examination approved by the commissioner of health. The criteria for approval of examinations are based on national standards, such as the examination in radiography from the ARRT and the examination from the ARRT for limited x-ray machine operators. A limited x-ray operator is anyone who is not a radiologic technologist registered by the ARRT. Under Minn. Stat. 144.121(5a), a limited x-ray operator may only practice medical radiography on limited regions of the human anatomy for which the operator has successfully passed an examination. The Minnesota statutes and administrative rules do not have educational, renewal or continuing education requirements for diagnostic medical radiographers or limited x-ray machine operators.

<https://www.revisor.mn.gov/statutes/?id=144.121>

MICHIGAN:

The State of Michigan does not license the operators of x-ray equipment, nor does it have requirements relative to the licensure or credentialing of x-ray machine operators.

<http://law.justia.com/us/cfr/title42/42-1.0.1.6.60.0.19.4.11.html>

The comparison of the proposed rules to the adjacent states demonstrates that the rules are relatively comparable to those in adjacent states.

Summary of factual data and analytical methodologies:

No study resulting in the collection of factual data was used relating to this rule. The primary method for creating the proposed rules was based upon the provisions in 2009 Act 106 and ch. 462, Stats., and information from the American Registry of Radiologic Technologists and American Society of Radiologic Technologists.

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

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Safety and Professional Services is not included as an “agency” in this section.

Chapter 462, Stats, exempts from the licensure and permitting requirements the following licensed health care providers; physicians; a person enrolled in a board approved radiography program who is directly supervised by a physician or persons licensed under s. 462.03(2); a chiropractor licensed under s. 446.02 or a person under the direct supervision of a chiropractor if the person has successfully completed a course of instruction of at least 48 hours approved by the chiropractic examining board; a dentist licensed under s. 447.04(1) or a person directly supervised by a dentist, a dental hygienist licensed under s. 447.04(2); a physician assistant licensed under s. 448.04(1)(f) and a podiatrist licensed under s. 448.63 or a persons under the direct supervision of a such a podiatrist if the person has successfully completed a course of instruction related to x-ray examinations approved under 448.695(3) by the podiatrists affiliated credentialing board.

There are approximately 951 registered hospital and medical facilities, of which 508 sites have at least one X-ray machine on the premise. This information is derived from the Wisconsin Department of Health Services, Radiation Protection and X-Ray Registration Database.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that this rule will require staff time in the Division of Enforcement, Division of Management Services, Office of Exams and Division of

Professional Credentialing. The total one-time salary and fringe costs are estimated at \$7,510. The total on-going salary and fringe costs are estimated at \$56,525.

Effect on small business:

These proposed rules were reviewed by the Small Business Review Advisory Committee and it was determined that the rules will not have a significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at john.murray@wisconsin.gov or by calling 608-266-8608.

Agency contact person:

Sharon Henes, Paralegal, Department of Safety and Professional Services, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at sharon.henes@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, Paralegal, Department of Safety and Professional Services, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email to Sharon.henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on May 10, 2011 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chapter RAD 1 is created to read:

CHAPTER RAD 1
AUTHORITY AND DEFINITIONS

RAD 1.01 Authority. The rules in this chapter are adopted pursuant to ss.15.08(5), 440.08.(2)(a) 39m, 440.08(2)(a)64g., and s.462.06, Stats.

RAD 1.02 Definitions.

- (1) "ARRT" means American Registry of Radiologic Technologists
- (2) "Board" means the Radiography Examining Board.
- (3) "Bone Densitometry" means the quantitative assessment of bone mass using single or dual energy x-ray absorptiometry.

(4) "Course of study" means a curriculum and associated training and testing materials which the board has determined are adequate to train persons to meet the requirements of this chapter.

(5) "Continuing education" means a board-approved planned learning activity in sufficient depth and scope to enhance the knowledge and skills underlying the performance of radiography.

(6) "Continuing education credit" means a unit of measurement for continuing education activities. One continuing education credit is awarded for 50 minutes of educational activities.

(7) "Department" means the department of regulation and licensing.

(8) "Examination" means a written examination administered by the ARRT, or a successor organization, which is designed to assess knowledge, skills and competence in the application of X-rays to the human body, radiographic positioning, radiographic techniques, and the principles of radiation protection.

(9) "JRCERT" means Joint Review Committee on Education in Radiologic Technology.

(10) "License" means a license to practice radiography issued by the board.

(11) "Licensee" means a person who is licensed by the board as a radiographer.

(12) "Licensed independent practitioner" means a physician licensed under s. 448.04(1), a dentist licensed under s. 447.04(1), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advance practice nurse prescriber certified under s. 441.16(2) or a physician assistant licensed under s. 448.04(1)(f) or other health care provider who is defined as a independent practitioner.

(13) "Limited X-ray machine operator" (LXMO) means a person who is issued a permit to perform radiography of one or more of four portions of the human body except that the practice may not include fluoroscopy.

(14) "Radiography" means the imaging of anatomical structures, produced by the combined application of X-rays to the human body and the application of knowledge in the fields of anatomy, radiographic positioning, and radiographic techniques, and the knowledge of principles of radiation protection, for the purpose of medical diagnosis, except that the "practice of radiography" does not include bone densitometry.

(15) "Radiographer" is a person who is issued a license to practice radiography.

(16) “Direct Supervision” means immediate availability to continually coordinate, direct and inspect the practice of another and to give assistance if required during the performance of the procedure.

SECTION 2. Chapter 2 is created to read:

CHAPTER RAD 2
REQUIREMENTS FOR RADIOGRAPHER LICENSE,

RAD 2.01 Application. The board shall grant a license to practice as a radiographer to a person who meets the requirements in s. 462.03(1) and (2), Stats.

RAD 2.02 Approved Course of Study. (1) The educational requirements for a license under this chapter shall be a board-approved formal course of study which includes a JRCERT-accredited degree in radiography or a formal education program that is ARRT approved.

(2) Active certification as a radiologic technologist from the ARRT shall be accepted as proof of completion of a board-approved course of study in radiography.

RAD 2.03 Approved Examination. (1) The board-approved examination required for a license under this chapter shall be the ARRT examination for radiologic technologists, or an examination by a successor organization approved by the board.

(2) Active certification as a radiologic technologist from the ARRT shall be accepted as proof of passage of the examination requirement.

RAD 2.04 Licensure by Endorsement. A person holding a radiographer license in another state or U.S. territory may obtain a license under this chapter by endorsement if the person submits the following:

(1) An application on a form provided by the department and pays the fee required under s. 440.05 (2), Stats.

(2) Evidence satisfactory to the board that the person, which includes:

(a) Active certification as a radiologic technologist from the ARRT, and;

(b) Verification of a credential from each state or jurisdiction in which the applicant holds or has held a license, permit, or credential.

RAD 2.05 Cause for Denial of Application. The Board may deny an application for a radiographer license on the basis of the following:

(1) Termination from any employment related to the practice of radiography for reasons of negligence or incompetence.

(2) Conviction of an offense under s. 940.22, 940.225, 944.15, 944.17, 944.30, 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09, 948.095 or 948.10, Stats., or a comparable offense under federal law or state law, or any crime the circumstances of which substantially relate to the practice of radiography.

(3) Any licensure encumbrances including surrender, suspension, revocation, limitation or reprimand.

(4) Failure to complete an application or comply with a request for information related to an application for a license within one year from the date of the filing of the application or request for information.

RAD 2.06 Transitional period. (1) Notwithstanding s. 462.03(3), Stats., the board shall issue a radiographer license to a person who satisfies the general requirements in s. 462.03(1) and presents evidence satisfactory to the board of the following:

(a) Passage of the Wisconsin examination for radiography technologists.

(b) Practice of radiography as defined in s. 462.01, for at least 3 of the 5 years immediately preceding the date of application.

(2) Beginning March 1, 2012, applicants for a radiographer license shall satisfy the course of study and required examinations to qualify for the credential.

SECTION 3. Chapter RAD 3 is created to read:

CHAPTER 3

REQUIREMENTS FOR LIMITED X-RAY MACHINE OPERATOR (LXMO) PERMIT

RAD 3.01 Application. The board shall grant a permit to practice as a LXMO to a person who meets the minimum requirements for a permit in s. 462.03 (1) and (3), Stats.

RAD 3.02. Approved Course of Study. The educational requirements for a permit under this chapter shall be board-approved course of study provided through a Joint Review Committee on Education in Radiologic Technology accredited program. An approved course of study shall include at minimum the American Society of Radiologic Technologists limited scope of practice curriculum.

RAD 3.03 Approved Examination. The board-approved examination required for a permit under this chapter shall be the Wisconsin examination for limited scope of practice in radiography developed by the ARRT, or an examination from a successor organization approved by the board.

RAD 3.04 Notice of Examination Results. All applicants for a LXMO permit shall receive a passing grade determined by the board to represent the minimum competence to practice. The board may accept the passing grade recommendation of an approved testing agency.

RAD 3.05 Re-examination. A person who fails to achieve passing grades on the examinations required under this chapter may reapply for reexamination on forms provided by the department. No applicant may make more than 3 attempts to pass the examination within any 12 month period. A re-examination fee specified by the department shall be paid for each examination.

RAD 3.06 Transitional period. (1) Notwithstanding s. 462.03(3), Stats, the board shall issue a LXMO permit to a person who satisfies the general requirements in s. 462.03(1) and presents evidence satisfactory to the board of the following:

(a) Passage of the Wisconsin examination for limited scope of practice in radiography.

(b) Practice of radiography or limited scope radiography as defined in s. 462.01, for at least 3 of the 5 years immediately preceding the date of application.

(2) Beginning March 1, 2012, a person who applies for a LXMO permit shall satisfy the full requirements of s. 463.03(3) which requires completion of an approved course of study as determined by the board and successfully passes the examinations required by the board to obtain a permit.

RAD 3.07 Cause for Denial of permit. The Board may deny an application for a LXMO permit on the basis of any of the following:

(1) Termination from any employment related to the practice of a LXMO for reasons of negligence or incompetence.

(2) Conviction of an offense under s. 940.22, 940.225, 944.15, 944.17, 944.30, 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09, 948.095 or 948.10, Stats., or a comparable offense under federal law or state law, or any crime the circumstances of which substantially relate to the practice of radiography.

(3) Any encumbrances including surrender, suspension, revocation, limitation or reprimand of a LXMO permit by another credentialing body.

(4) Failure to complete an application or comply with a request for information related to an application for a permit within one year from the date of the filing of the application or request for information.

SECTION 4. Chapter RAD 4 is created to read:

CHAPTER RAD 4

SCOPE OF PRACTICE

RAD 4.01 Radiographer scope of practice (1) The practice of a radiographer involves the performance of radiography and radiographic procedures and related techniques to produce images for the interpretation by, or at the request of, a licensed independent practitioner. Radiographers perform the radiographic examination to create the images needed for medical diagnosis and apply scientific knowledge, technical skills, patient interaction, and care necessary to obtain diagnostic information. Radiographers may apply radiation to any part of the human body, may administer contrast agents and related substances for diagnostic purposes.

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

RAD 4.02 Limited X-ray machine operator scope of practice (1) The LXMO performs radiographic procedures and related techniques within the practice of radiography under the supervision of a licensed radiography or other health care provider, consistent with the LXMO's limited scope education, training and examination.

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

SECTION 5. Chapter RAD 5 is created to read:

CHAPTER RAD 5 CONTINUING EDUCATION

RAD 5.01 Continuing education requirements. Every licensed radiographer and LXMO permit holder shall complete continuing education relevant to the practice of radiography as a condition of the renewal of the license or permit:

(1) Radiographers shall complete 24 hours of continuing education credit each biennium, except for the first renewal of the permit.

(2) LXMO permit holders shall complete 12 hours of continuing education credit each biennium, except for the first renewal of the permit.

RAD 5.02 Verification of compliance. A licensee or permit holder shall, at the time of making application for renewal of a license or permit under this chapter, sign a statement on the application for renewal verifying that the licensee or permit holder has satisfied the continuing education requirement.

(1) A person who submits evidence of an active registration of the A.R.R.T. certificate, or a board-approved successor organization, shall be deemed to satisfy the continuing education requirement under this chapter.

(2) License or permit holders shall maintain records of continuing education hours for at least 3 years from the date of the continuing education activity. The recordkeeping shall include the following:

- (a) The name and address of the sponsor or provider.
- (b) The date, time and location of the activity
- (c) A brief statement of the subject matter
- (d) Program schedules, registration receipts or certificate of attendance.
- (e) Number of continuing credit hours attended in each program.

RAD 5.03 Approved Providers. For purposes of this chapter approved providers of continuing education courses are those recognized by the American Registry of Radiologic Technologists or a successor organization deemed acceptable to the board.

RAD 5.04 Audit. The board shall conduct a random audit for compliance with the requirements of this chapter at least every 6 years and require any licensee or permit holder to produce evidence of compliance with the continuing education requirements.

RAD 5.05 Waiver or postponement. (1) A credential holder may request prior to the renewal date a full or partial waiver or postponement of the continuing education requirement on the basis of a hardship. The request shall include a statement describing the reason for the waiver or postponement request.

- (a) The board may grant a full or partial waiver or postponement upon a finding that hardship or cause has been shown or may request further information from the applicant.
- (b) Hardship is defined as an inability to complete the continuing education requirements because of full-time military service during a substantial part of the biennium; an incapacitating medical infirmity documented by a licensed health care provider; or other extenuating circumstances deemed sufficient to grant the waiver or postponement.

(2) A person who submits a request for a waiver or postponement prior to the renewal date may renew the credential with the approval of the board's designee if the board is unable to reach a decision prior to the renewal date.

SECTION 6. Chapter RAD 6 is created to read:

CHAPTER RAD 6
RULES OF CONDUCT

RAD 6.01 Unprofessional Conduct. In this section and for purposes of s. 462, Stats., the violation of any provision of this chapter, or the aiding or abetting of any of the following, constitutes unprofessional conduct and may result in disciplinary action:

- (1) Engaging in any practice or behavior which violates the minimum standards for the profession necessary for the protection of the health, safety welfare of a patient or the public.
- (2) Making a material misstatement in an application for a license or permit under s. 462.03, Stats., or an application for renewal of a license or permit.
- (3) Having any sanction, or disciplinary action taken against a licensed radiographer or limited X-ray machine operator in this state or another jurisdiction.
- (4) Violating any rule adopted by the board relating to the practice of a licensed radiographer or limited X-ray machine operator, or any term, provision, or any order issued by the board or other state board with competent jurisdiction.
- (5) Making false, misleading, deceptive, or fraudulent representations in the course of practice as a licensed radiographer or limited X-ray machine operator.
- (6) Practicing outside of the scope of practice or standards of practice authorized by the individual's licensed or permit or a certificate of registration with ARRT.
- (7) Assisting a person who does not hold a license or permit to engage in the practice of radiography unless the person is permitted to practice radiography under the direct supervision of a health care provider or person who is exempt from licensure.
- (8) Advertising, practicing or attempting to practice under another person's name.
- (9) Practicing in a manner that substantially departs from the standard of care ordinarily exercised by a licensed radiographer or limited X-ray machine operator, or any negligence, incompetence, or misconduct.
- (10) Engaging in inappropriate sexual contact, exposure, gratification or other sexual behavior with, or in the presence of, a patient.
- (11) Revealing a privileged communication from or relating to a former or current patient, except when otherwise permitted by law.
- (12) Violating any law of this state or federal law that substantially relates to the practice of radiography or any other medical or allied health professions or a state or federal narcotics or controlled substances law.

- (13) Failing to notify the department in writing of any criminal conviction within 48 hours after the date of conviction and failing to provide a copy of the judgment of conviction to the department. Conviction of any crime which is substantially related to the practice of a credential holder shall be grounds for discipline.
- (14) Failing to cooperate in a timely manner with the department's investigation of a complaint filed against the credential holder. A credential holder who takes longer than 30 calendar days to respond to a request of the department is subject to a rebuttable presumption of failing to act in a timely manner under this subsection.
- (15) Having an actual or potential inability to practice radiography with reasonable skill and safety due to use of alcohol or drugs.
- (16) Practicing or attempting to practice while having a physical or mental impairment, other than related to alcohol or drugs, which results in an actual or potential inability to practice with reasonable skill and safety to patients.

(END OF TEXT OF RULE)

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.

Dated _____

Agency _____

Susan Sanson, Chairperson
Radiography Examining Board