

STATE OF WISCONSIN
RADIOGRAPHY EXAMINING BOARD

IN THE MATTER OF RULEMAKING: PROCEEDINGS BEFORE THE RADIOGRAPHY EXAMINING BOARD	: : : :	ORDER OF THE RADIOGRAPHY EXAMINING BOARD ADOPTING RULES (CLEARINGHOUSE RULE 19-084)
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ORDER

An order of the Radiography Examining Board to repeal RAD 4.01 (2) (Note 1) and 4.02 (2) (o) and (Note 1); to amend RAD 1.02 (12) (intro.) and (h), 4.01 (2) (intro.), (c), (h), (i), (j), (k), (q), (r), (s), and (Note 2), and 4.02 (2) (intro.), (b), (k), (L), (m), and (Note 2); and to create RAD 1.02 (intro.) and (1m), relating to scope of practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 462.02, Stats.

Statutory authority:

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

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides each examining board “[s]hall 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, providing “[e]ach 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:

Chapter 462, Stats., and chs. RAD 2, 3, 5, and 6.

Plain language analysis:

The scope of practice standards for radiographers and limited X-ray machine operators in current rules are a reproduction of the standards for scope of practice established by the American Society of Radiologic Technologists (ASRT) in 2016. ASRT periodically updates its standards, most recently in 2017. The rule updates the scope of practice standards in ss. RAD 4.01 and 4.02 to be a reproduction of the standards for scope of practice established by the ASRT in 2017. The rule also updates the definitions in s. RAD 1.02 as follows:

- A definition of “As Low As Reasonably Achievable” or “ALARA” is created. The meaning given this term in s. RAD 1.02 (1m) is the same as in the 2017 ASRT standards for scope of practice (Glossary, Practice Standards for Medical Imaging and Radiation Therapy, 2017

American Society of Radiologic Technologists). The notes in ss. RAD 4.01 (2) and 4.02 (2) referencing the ASRT definition are repealed.

- A definition of “licensed practitioner” replaces a definition of “licensed independent practitioner” to reflect a change of terminology in ch. RAD 4 and the 2017 ASRT scope of practice standards.

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

None.

Comparison with rules in adjacent states:

Illinois:

32 Ill. Admin. Code 401, which provides for accreditation in the practice of medical radiation technology in Illinois, does not explicitly define scope of practice. However, scope of practice is addressed in definitions of the categories of accreditation in the practice of medical radiation technology and the techniques of applying radiation (32 Ill. Admin. Code 401.20). These definitions do not reference the standards established by the American Society of Radiologic Technologists.

Iowa:

641 IAC 42, which provides for permits to operate ionizing radiation producing machines or administer radioactive materials in Iowa, does not explicitly define scope of practice. However, scope of practice is addressed in definitions of the categories of permits to practice and the techniques of using ionizing radiation producing machines and administering radioactive materials (641 IAC 42.2). In addition, the rules provide the scope within which a limited radiologic technologist with categories of chest, spine, extremities, shoulder, and pediatric shall perform radiography (641 IAC 42.9). The rules do not reference the standards established by the American Society of Radiologic Technologists.

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 radiologic technologists who perform mammographic examinations (Mich Admin Code, R 333.5630). These rules do not define or otherwise address scope of practice.

Minnesota:

Minn. Stat. 144.121, Subds. 5a. and 5b., provide the scope of practice of a limited X-ray machine operator (LXMO) and a means of granting a variance to a facility for the scope of practice of an LXMO. The statutes do not reference the standards established by the American Society of Radiologic Technologists.

Summary of factual data and analytical methodologies:

The rules update the scope of practice of radiographers and limited X-ray machine operators to align with the current standards for scope of practice established by the American Society of Radiologic Technologists. No additional factual data or analytical methodologies were used to develop the rules.

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

The rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules 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 document is attached.

Effect on small business:

These 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 Daniel.Hereth@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, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@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, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on July 31, 2019, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. RAD 1.02 (intro.) and (1m) are created to read:

RAD 1.02 (intro.) In this chapter and chs. RAD 2 to 6:

(1m) "As Low As Reasonably Achievable" or "ALARA" means making every reasonable effort to maintain exposures to radiation as far below the dose limits as practical, consistent with the purpose for which the licensed activity is undertaken, while taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to the use of nuclear energy and licensed materials in the public interest.

SECTION 2. RAD 1.02 (12) (intro.) and (h) are amended to read:

RAD 1.02 (12) (intro.) "Licensed ~~independent~~ practitioner" means any of the following:

(h) A health care provider who is defined as an ~~independent~~ licensed practitioner.

SECTION 3. RAD 4.01 (2) (intro.), (c), (h), (i), (j), (k), (q), (r), and (s) are amended to read:

RAD 4.01 (2) (intro.) APPLICABLE STANDARDS. The scope of practice of a licensed radiographer includes all of the following, as defined in the Radiography Practice Standards,

Practice Standards for Medical Imaging and Radiation Therapy, ~~2016~~ 2017 American Society of Radiologic Technologists:

(c) Corroborating a patient's clinical history with procedure and ensuring information is documented and available for use by a licensed ~~independent~~ practitioner.

(h) Performing venipuncture as prescribed by a licensed ~~independent~~ practitioner.

(i) Starting, maintaining, and removing intravenous access as prescribed by a licensed ~~independent~~ practitioner.

(j) Identifying, preparing, and administering medications as prescribed by a licensed ~~independent~~ practitioner.

(k) Evaluating images for technical quality; and ensuring proper identification is recorded.

(q) Performing diagnostic radiographic and noninterpretive fluoroscopic procedures as prescribed by a licensed ~~independent~~ practitioner.

(r) ~~Determining~~ Optimizing technical exposure factors in accordance with the principles of ALARA.

(s) Assisting ~~a~~ the licensed ~~independent~~ practitioner with fluoroscopic and specialized radiologic procedures.

SECTION 4. RAD 4.01 (2) (Note 1) is repealed.

SECTION 5. RAD 4.01 (2) (Note 2) is amended to read:

RAD 4.01 (2) (Note 2) ~~Copies of the Standard~~ The standard are on file at is available from the office of the Department of Safety and Professional Services and the Legislative Reference Bureau American Society of Radiologic Technologists' website at www.asrt.org.

SECTION 6. RAD 4.02 (2) (intro.), (b), (k), (L), and (m) are amended to read:

RAD 4.02 (2) (intro.) APPLICABLE STANDARDS. The scope of practice of an LXMO includes all of the following, as defined in the Limited X-ray Machine Operator Practice Standards, ~~2016~~ Practice Standards for Medical Imaging and Radiation Therapy, 2017 American Society of Radiologic Technologists:

(b) Corroborating a patient's clinical history with procedure and ensuring information is documented and available for use by a licensed ~~independent~~ practitioner.

(k) Performing diagnostic radiographic procedures ~~limited to education or the~~ prescribed by a licensed practitioner of a specific area of anatomical interest based on limited education,

training, and licensure or certification as prescribed by a licensed independent practitioner within the LXMO's scope of practice.

(L) Assisting a licensed ~~independent~~ practitioner or radiographer during static radiographic procedures.

(m) ~~Determining~~ Optimizing technical exposure factors in accordance with the principles of ALARA, ~~or As Low As Reasonably Achievable.~~

SECTION 7. RAD 4.02 (2) (o) and (Note 1) are repealed.

SECTION 8. RAD 4.02 (2) (Note 2) is amended to read:

RAD 4.02 (2) (Note 2) ~~Copies of the Standard~~ The standard ~~are on file at~~ is available from the office of the Department of Safety and Professional Services and the Legislative Reference Bureau American Society of Radiologic Technologists' website at www.asrt.org.

SECTION 9. 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)
