

## DEPARTMENT OF HEALTH, STATE BOARD OF HEALTH

---

**SUBJECT:** Rules Pertaining to Radiologic Technology Licensure

**DESCRIPTION:** The Rules Pertaining to Radiologic Technology Licensure are duly adopted and promulgated by the Arkansas 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.

During the 2021 Legislative Session, four (4) Acts required Radiologic Technology Licensure rule revision. These are:

- Act 135 – Modification for the automatic licensure requirements for uniformed service members
- Act 725 – Provision of waiver of initial fees associated with professional and occupational license
- Act 746 – Allows for licensing of individuals who fulfill the requirements to practice an occupations or profession and hold a Work Permit.
- Act 811 – “Earn to Learn” allows individuals to work and earn a paycheck while also fulfilling licensing requirements.

**PUBLIC COMMENT:** No public hearing was held on this proposed rule. The public comment period expired on March 21, 2022. The agency provided the following public comment summary:

**Commenter’s Name:** Crystal Vigue

**COMMENT:** I received the notice of proposed adoption of revisions and would like to comment.

I have been an RT for almost 10 years and have actively worked in my field. First I would like to comment on ACT 725 of 2021, I feel it is unfair to offer Fee Waiver to a select group. Many of us have paid our Fees even in financial hardship, I speak from personal experience. My personal opinion on the other ACTs listed in the Notice I

received are also of concern to me personally. If we are giving work permits and handing out LT Licenses that hurt those of us that are RTs, if I decided to look for work elsewhere it will become hard for me to find work when they can hire LTs at a smaller pay scale. I went to school for 4 years and hold my AR state Licensure and an ARRT. Thank you for your time and consideration.

**RESPONSE:** The amendments to the Rules for Radiologic Technical Licensure are required by the Arkansas Legislature under Acts 725 of 2021 (“Workforce Expansion Act of 2021” for the fee waiver program), 135 of 2021 (“Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021”), and 811 of 2021 (“Earn and Learn Act”) and taken directly from the law.

Commenter’s Name: Maureen Sandoval

**COMMENT:** I do not agree with ACT 725 of 2021, ACT 746 of 2021 and ACT 811 of 2021. You should not have your license fee waived if you are on government assistant. [sic] And I definitely do not agree that if you finish an approved apprenticeship than you get a license. You should have to take a test. I feel like it will be handed out to [sic] easily.

**RESPONSE:** Legislature under Acts 725 of 2021 (“Workforce Expansion Act of 2021”), 746 of 2021 (granting licensure for persons with work permits), and 811 of 2021 (“Earn and Learn Act”) and taken directly from the law.

Specifically, under Act 811 of 2021, once an individual completes an apprenticeship program that has been approved by the United States Office of Apprenticeship or the Arkansas Department of Workforce Services and the individual completes the other requirements (including examinations, fees, background checks, if applicable), then the individual is eligible for a license under the Rules.

Commenter’s Name: Becky Roberts

**COMMENT:** RE: ACT 811 of 2021

I think it would be beneficial to have licensees complete a radiologic apprenticeship program if they are to be licensed. I do not agree with someone being able to be limited licensed and falling under a physician’s license only. The person needs to have proper training that a physician is normally not able to provide for them. Just because the state says a physician can do an X-ray does not mean they know how to position, set a good technic, and not overexpose patients. I think the state is more concerned with payments of licenses than the individual being knowledgeable about the field. I am old enough to remember when the state implemented the licensure for us. At the time. I recall it was supposed to be for our job security and to have people that are educationally trained performing X-rays, but it has turned into an avenue for revenue for the state. In the real world, there are individuals that should not be performing X-rays because they are not trained appropriately but have a “license”. This is especially true at clinical sites. Bone

Densitometry is another example of this. Employers just want a body to do the exams and generally do not care if someone actually knows the appropriate way of performing the exams or has any training. Bone Density is very precise and should be performed according to ISCD protocols but yet almost anyone can do these according to the state. This lack of training with a limited license also interferes with our job security as RT's.

**RESPONSE:** The amendments to the Rules for Radiologic Technical Licensure are required by the Arkansas Legislature under Acts 725 of 2021 (“Workforce Expansion Act of 2021”), 746 of 2021 (granting licensure for persons with work permits), and 811 of 2021 (“Earn and Learn Act”) and taken directly from the law.

Specifically, under Act 811 of 2021, once an individual completes an apprenticeship program that has been approved by the United States Office of Apprenticeship or the Arkansas Department of Workforce Services and the individual completes the other requirements (including examinations, fees, background checks, if applicable), then the individual is eligible for a license under the Rules.

With regard to your concerns for limited scope licensure on bone densitometry or other exemptions to the licensure requirements for licensed practitioners, the State Medical Board, State Board of Dental Examiners, State Board of Chiropractic Examiners, State Board of Podiatric Medicine, and related medical professional boards regulate the scope of practice and training requirements for applying ionizing radiation or administer radiopharmaceuticals. The State Board of Health and the Arkansas Department of Health do not regulate the practice of medicine.

The proposed effective date is June 1, 2022.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** **LEGAL AUTHORIZATION:** The State Board of Health has authority to “[a]dopt standards for applicants wishing to take the licensing examination” necessary to obtain a radiologic technology license. Ark. Code Ann. §§ 17-106-105, -107. The Board has authority to promulgate rules “as may be necessary” to carry out its duties under the Arkansas Consumer-Patient Radiation Health and Safety Act. Ark. Code Ann. § 17-106-105(a)(1)(D). This rule implements Acts 135, 725, 746, and 811 of 2021.

Act 135, sponsored by Senator Ricky Hill, established the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021. Under the Act, “[a]n occupational licensing entity shall grant automatic occupational licensure to” certain specified individuals. *See* Ark. Code Ann. § 17-4-105, *as created by* Act 135.

Act 725, sponsored by Senator Ben Gilmore, created the Workforce Expansion Act of 2021 and required waiver of initial occupational and professional licensure fees for certain individuals. The Act required licensing entities to promulgate rules as necessary for the Act’s implementation. *See* Ark. Code Ann. § 17-5-105(2).

Act 746, sponsored by Representative Clint Penzo, authorized occupational or professional licensure for certain individuals holding federal work permits. Temporary language contained within Act 746 required all occupational or professional licensing entities to promulgate rules necessary to implement the Act. *See* Act 746, § 2(a).

Act 811, sponsored by Representative Joshua Bryant, created the Earn and Learn Act and allowed individuals to work and earn a paycheck while also fulfilling licensing requirements and gaining the skills to fill the needs of an expanding workforce. Temporary language contained within Act 811 required all licensing entities affected by the Act to promulgate rules necessary to implement the Act. *See* Act 811, § 2(a).

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

**DEPARTMENT/AGENCY** Arkansas Department of Health  
**DIVISION** Radiation Control and Emergency Management  
**DIVISION DIRECTOR** Benard Bevill  
**CONTACT PERSON** Laura Shue, General Counsel  
**ADDRESS** 4815 West Markham, Slot 35, Little Rock, AR 72205  
**PHONE NO.** (501) 661-2297 **FAX NO.** \_\_\_\_\_ **E-MAIL** Laura.Shue@arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING** Laura Shue, General Counsel  
**PRESENTER E-MAIL** Laura.Shue@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton  
 Administrative Rules Review Section  
 Arkansas Legislative Council  
 Bureau of Legislative Research  
 One Capitol Mall, 5th Floor  
 Little Rock, AR 72201

\*\*\*\*\*

1. What is the short title of this rule? Radiologic Technology Licensure

2. What is the subject of the proposed rule? 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.

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

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

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes  No

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

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes  No



5. Is this a new rule? Yes  No  If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes  No  If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes  No  If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

A.C.A. §17-106-101 et seq.

7. What is the purpose of this proposed rule? Why is it necessary?

To comply with Acts 135, 725, 746, and 811 of 2021.



8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

<https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules>

9. Will a public hearing be held on this proposed rule? Yes  No  If yes, please complete the following:

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

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

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

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

03/21/2022

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

06/01/2022

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. \_\_\_\_\_

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). \_\_\_\_\_

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

None



**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Health

**DIVISION** Radiation Control and Emergency Management

**PERSON COMPLETING THIS STATEMENT** Laura Shue, General Counsel

**TELEPHONE NO.** (501) 661-2297 **FAX NO.** \_\_\_\_\_ **EMAIL:** Laura.Shue@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Radiologic Technology Licensure

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 an agency is proposing a more costly rule, please state the following:

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 more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.



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

Next Fiscal Year

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

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

Total \$ 0.00

Total \$ 0.00

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

Current Fiscal Year

Next Fiscal Year

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

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

Total \$ 0.00

Total \$ 0.00

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

Current Fiscal Year

Next Fiscal Year

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

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

6. What is the total estimated cost by fiscal year to state, county, and 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

---

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000

Governor Asa Hutchinson

José R. Romero, MD, Secretary of Health

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

**November 18, 2021**

### **PURPOSE**

The Arkansas Department of Health (Department) is seeking Governor Hutchinson's review of proposed amendments to the 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 2021 legislation.

### **DISCUSSION**

The Rules Pertaining to Radiologic Technology Licensure are duly adopted and promulgated by the Arkansas 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.



During the 2021 Legislative Session, four (4) Acts require Radiologic Technology Licensure rule revision. These are:

- Act 135 - Modification for the automatic licensure requirements for uniformed service members.
- Act 725 - Provision of waiver of initial fees associated with professional and occupational license.
- Act 746 – Allows for licensing of individuals who fulfill the requirements to practice an occupations or profession and hold a Work Permit.
- Act 811 - “Earn to Learn” Allows individuals to work and earn a paycheck while also fulfilling licensing requirements

### **RECOMMENDATION**

We recommend that the proposed amendments to the Rules Pertaining to Radiologic Technology Licensure be approved as proposed by the Department.



# **ARKANSAS STATE BOARD OF HEALTH**

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



PROMULGATED UNDER THE AUTHORITY OF  
ARKANSAS CODE ANN. §17-106-101-111

Effective ~~December 3, 2020~~ January 1, 2022

**Arkansas Department of Health**  
**José R. Romero, MD, FAAP, FIDSA, FPIDS, FAAAS**  
**Secretary and State Health Officer**

# RULES PERTAINING TO THE RADIOLOGIC TECHNOLOGY LICENSURE

## Table of Contents

<b><u>SECTION I.</u></b>	<b>AUTHORITY .....</b>	<b>3</b>
<b><u>SECTION II.</u></b>	<b>PURPOSE .....</b>	<b>3</b>
<b><u>SECTION III.</u></b>	<b>DEFINITIONS .....</b>	<b>4</b>
<b><u>SECTION IV.</u></b>	<b>GENERAL REQUIREMENTS AND RESTRICTIONS .....</b>	<b>9</b>
<b><u>SECTION V.</u></b>	<b>EXEMPTIONS .....</b>	<b>10</b>
<b><u>SECTION VI.</u></b>	<b>LICENSES REQUIRED.....</b>	<b>11</b>
<b><u>SECTION VII.</u></b>	<b>AUTOMATIC LICENSURE UNDER ACT 820 of 2019</b>	
	<b>ACT 135 of 2021 .....</b>	<b>13</b>
<b><u>SECTION VIII.</u></b>	<b>RECIPROCITY UNDER ACT 426 OF 2019 .....</b>	<b>15</b>
<b><u>SECTION IX.</u></b>	<b>PROVISIONAL LICENSE UNDER ACT 1011 OF 2019 .....</b>	<b>16</b>
<b><u>SECTION X.</u></b>	<b>LICENSE FOR A PERSON FROM A STATE THAT DOESN'T LICENSE PROFESSION UNDER ACT 1011 OF 2019.....</b>	<b>16</b>
<b><u>SECTION XI.</u></b>	<b>RECIPROCITY AND STATE—SPECIFIC EDUCATION UNDER ACT 1011 OF 2019.....</b>	<b>16</b>
<b><u>SECTION XII.</u></b>	<b>PRE-LICENSING PROHIBING OFFENSE DETERMINATION</b>	<b>17</b>
<b><u>SECTION XIII.</u></b>	<b>WORK PERMIT UNDER ACT 746 OF 2021 .....</b>	<b>17</b>
<b><u>SECTION XIV.</u></b>	<b>QUALIFICATIONS FOR EXAMINATIONS .....</b>	<b>18</b>
<b><u>SECTION XV.</u></b>	<b>FEES.....</b>	<b>18</b>
<b><u>SECTION XVI.</u></b>	<b>FEE WAIVER UNDER ACT 725 OF 2021 .....</b>	<b>19</b>
<b><u>SECTION XVII.</u></b>	<b>DISPLAY OF LICENSE .....</b>	<b>19</b>
<b><u>SECTION XVIII.</u></b>	<b>RENEWAL DATE .....</b>	<b>20</b>
<b><u>SECTION XIX.</u></b>	<b>EDUCATIONAL PROGRAM STANDARDS .....</b>	<b>20</b>
<b><u>SECTION XX.</u></b>	<b>CONTINUING EDUCATION STANDARDS .....</b>	<b>20</b>
<b><u>SECTION XXI.</u></b>	<b>‘EARN AND LEARN’ UNDER ACT 811 OF 2021 .....</b>	<b>22</b>
<b><u>SECTION XXII.</u></b>	<b>ADMINISTRATION .....</b>	<b>23</b>
<b><u>SECTION XXIII.</u></b>	<b>CODE OF ETHICS.....</b>	<b>25</b>
<b><u>SECTION XXIV.</u></b>	<b>SEVERABILITY.....</b>	<b>25</b>
<b><u>SECTION XXV.</u></b>	<b>REPEAL.....</b>	<b>25</b>

**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.

DRAFT

### **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;
- 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;

### SECTION III. DEFINITIONS (cont.)

- 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;
- Z. 'Licensed Radiologic Technologist' means a person who holds a national registry with the ARRT, ACRRT, 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;

### SECTION III. DEFINITIONS (cont.)

- 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;
- 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;

### SECTION III. DEFINITIONS (cont.)

- 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 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;

### SECTION III. DEFINITIONS (cont.)

- 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.
- 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.

## **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.

## **SECTION VI. LICENSES REQUIRED (cont.)**

- 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.
- 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 820 of 2019**  
**ACT 135 of 2021**

- ~~A. As used in this subsection, “returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.~~
- ~~B. As used in the subsection, “automatic licensure” means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity.~~
- ~~C. The Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:~~
- ~~1. An active duty military service member stationed in the State of Arkansas;~~
  - ~~2. A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or~~
  - ~~3. The spouse of a person under C.1 or C.2.~~
- ~~D. The Board shall grant such automatic licensure upon receipt of all of the below:~~
- ~~1. Payment of the initial licensure fee;~~
  - ~~2. Evidence that the individual holds a substantially equivalent license in another state; and~~
  - ~~3. Evidence that the applicant is a qualified applicant under C.1.;C.2; or C.3.~~
- ~~E. For the purposes of this section, “substantially equivalent” means a license from another state that requires:~~
- ~~1. Graduation from an accredited Radiologic Technology School; and~~
  - ~~2. Pass the applicable exam as listed in Section XII.A of these Rules.~~

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;

SECTION VII. AUTOMATIC LICENSURE UNDER ACT 820 of 2019  
ACT 135 of 2021 (con't)

A. Applicability

(1) This Rule applies to a:

(c) The spouse of (1) or (2) including a:

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;

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.(b) if:

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;

The person pays the licensure fee in Section XV. FEES.

C. Credit toward initial licensure

Relevant and applicable uniformed service education, training, 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.

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 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 A.1.b. through A.1.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 A.1.c. and does not hold a license on suspended or probationary status as described in 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.

**SECTION VIII. RECIPROCITY UNDER ACT 426 OF 2019 (con't)**

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 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.

**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.

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

- 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)*.
- 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.
- 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.
- 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 XIII. 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.
- 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.

**SECTION XX. CONTINUING EDUCATION STANDARDS (cont.)**

- 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.
- 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 Sections VI., XIV, XV and 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;
  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.

**SECTION XXII.      ADMINISTRATION (cont.)**

- 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.
- 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.

**CERTIFICATION**

**This will certify that the foregoing Rules pertaining to Medical Ionizing Radiation Licensure were adopted by the Arkansas Board of Health at a regular session of the Board held in the Arkansas Department of Health Board Room of the Freeway Medical Building on the \_\_\_\_\_**

**Jose' R. Romero, MD, FAAP,  
Secretary of Health  
Arkansas Board of Health**

DRAFT