

Rules Amending Title 11
Hawaii Administrative Rules

(date)

1. Chapter 44 of Title 11, Hawaii Administrative Rules, entitled "Radiologic Technology Board, Radiologic Technology Rules, is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 44

RADIOLOGIC TECHNOLOGY BOARD
RADIOLOGIC TECHNOLOGY RULES

§11-44-1	Purpose
§11-44-2	Definitions
§11-44-3	Licenses required
§11-44-4	Application for license
§11-44-5	Minimum eligibility requirements for license
[§11-44-6	Repealed]
[§11-44-7]	<u>§11-44-6</u> License renewal
[§11-44-7.1	Transition from annual to biennial license renewal period]
[§11-44-7.2]	<u>§11-44-7</u> Continuing education requirement for license renewal
§11-44-8	Unprofessional conduct
§11-44-9	Repealed
<u>§11-44-9</u>	<u>Violation of chapter; penalties</u>
§11-44-10	Accreditation requirements for schools or training programs for radiologic technology
§11-44-11	Standards for a new school or training program in radiologic technology
§11-44-12	Severability

Historical Note. Chapter 11-44 is based substantially on chapter 11-224. [Eff 9/5/81; R 12/27/91]

§11-44-1 Purpose. This chapter establishes minimum state standards of education, training, and experience for persons who apply x-rays to human beings for diagnostic purposes, or ionizing radiation to human beings for therapeutic purposes, or radiopharmaceuticals to human beings for diagnostic and

therapeutic purposes. [Eff 12/27/91; am and comp 11/9/98; comp
] (Auth: HRS §§466J-2) (Imp: HRS §§466J-2, 466J-5)

§11-44-2 Definitions. As used in this chapter:

"Accreditation body" means the Joint Review Committee on Education in Radiologic Technology or the Joint Review Committee on Education in Nuclear Medicine.

"Approved school for radiologic technologists," "approved training program for radiographers," "approved training program for radiation therapists," or "approved training program for nuclear medicine technologists," mean a school or training program determined and accredited by the radiologic technology board as providing a course of instruction in radiologic technology which is adequate to meet the purposes of this chapter or one approved by the appropriate accreditation body which meets the requirements of sections 11-44-10 and 11-44-11.

"Board" means radiologic technology board.

"Certified" means holding a license issued by the board when used in conjunction with the title "radiation therapist," "radiographer," or "nuclear medicine technologist".

"Department" means the department of health.

"Director" means the director of health.

"Modality" means a diagnostic or therapeutic method involving the use of radiation.

"Nuclear medicine technologist" means any person who administers radiopharmaceuticals, or sources of radiation used in nuclear medicine, to human beings and conducts in vivo or in vitro detection and measurement of radioactivity for diagnostic or therapeutic purposes.

"Nuclear medicine technology" means the application of radiopharmaceuticals, or sources of radiation used in nuclear medicine, to human beings and the performance of in vivo or in vitro detection and measurement of radioactivity for diagnostic or therapeutic purposes.

"Practice of nuclear medicine technology" means the preparation and administration of radiopharmaceuticals or sources of radiation used in nuclear medicine, the use of radiation detection devices and laboratory equipment to measure and quantity and distribution of radionuclides deposited in the patient or in a patient specimen, and the performance of in vivo or in vitro procedures with strict adherence to principles of radiation protection. The practice of nuclear medicine technology includes the modalities using positron emission tomography, hybrid positron emission tomography and computed tomography, and bone densitometry.

"Practice of radiation therapy technology" means the administration of ionizing radiation to the human body, utilizing various therapeutic equipment, including [but not limited to,] high energy linear accelerators, particle generators, and radioactive materials, as prescribed by a physician (radiation oncologist or therapeutic radiologist), for the purpose of therapy treatment, performed with strict adherence to principles of radiation protection.

"Practice of 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 technique, for the purpose of medical diagnosis, with strict adherence to principles of radiation protection. The practice of radiography also includes the modalities of mammography, computed tomography, interventional technology, cardiac interventional technology, and bone densitometry.

"Radiation therapist" means any person engaged in the practice of radiation therapy technology.

"Radiographer" means any person engaged in the practice of radiography.

"Radiologic technologist" means any person engaged in the practice of radiation therapy technology, or radiography, or nuclear medicine technology.

"Radiologic technology" means the practice of radiation therapy technology, or radiography, or nuclear medicine technology.

"Supervision" means responsibility for, and control of quality, radiation safety, and technical aspects of all x-ray, radiopharmaceutical, or ionizing radiation examinations and procedures. [Eff 12/27/91; am and comp 11/9/98; am and comp] (Auth: HRS §466J-2) (Imp: HRS §§466J-2, 466J-4, 466J-5)

S11-44-3 Licenses required. (a) No person shall practice or offer to practice as a radiographer, or as a radiation therapist, or as a nuclear medicine technologist without a valid and appropriate license issued to that person by the board.

(b) No person shall conduct or offer to conduct the duties of a radiographer, radiation therapist, or a nuclear medicine technologist, nor shall any person utilize or conduct mammographic imaging, computed tomography imaging, interventional technology, or cardiac interventional technology, without a valid radiographer license issued to that person by the board.

(c) No person shall conduct or offer to conduct the duties of a radiographer or nuclear medicine technologist, or conduct or offer to conduct bone densitometry with an x-ray source without a valid radiographer or nuclear medicine technology license issued to that person by the board. [Eff 12/27/91; am and comp 11/9/98; am and comp] (Auth: HRS §§466J-2) (Imp: HRS §§466J-2)

S11-44-4 Application for license. Any person desiring to practice as a radiographer, or radiation therapist, or nuclear medicine technologist shall submit an application to the board. Applications shall be made on a form prescribed by the board.

An application for a license shall be filed with the board and shall be accompanied by a non-refundable application fee of \$60 for the first license and \$5 for each additional license. Upon approval of the application by the board, the application fee shall serve as the initial license fee for first-time applicants. Persons reapplying for a license within one year of failing to

renew a license issued by the board shall complete and submit an application for a license with a non-refundable re-application fee of \$120. [Eff 12/27/91; am and comp 11/9/98; am and comp] (Auth: HRS §§466J-2, 466J-5) (Imp: HRS §§466J-2, 466J-4, 466J-5)

§11-44-5 Minimum eligibility requirements for license. (a)

An applicant for a license to practice as a radiographer or radiation therapist shall submit to the board written evidence, verified by oath or affirmation, that the applicant is registered with the American Registry of Radiologic Technologists and is in good standing in the appropriate field of radiography or radiation therapy technology.

(b) An applicant for a license to practice as a nuclear medicine technologist shall submit to the board written evidence, verified by oath or affirmation, that the applicant is:

- (1) Certified and is in good standing with the Nuclear Medicine Technology Certification Board; or
- (2) Registered and is in good standing with the American Registry of Radiologic Technologists in nuclear medicine[;
- (3) Registered and is in in good standing with the American Registry of Radiologic Technologists in radiography with at least one year of nuclear medicine technology clinical training and experience under the direct supervision of a certified nuclear medicine technologist or nuclear medicine physician which is acceptable to the board; or
- (4) Practicing as a nuclear medicine technologist with at least one year of nuclear medicine technology clinical training and experience under the direct supervision of a certified nuclear medicine technologist or nuclear medicine physician which is acceptable to the board.

(c) Applicants meeting the eligibility requirements specified in paragraphs (b) (3) and (b) (4) shall submit a written affidavit verifying employment as a nuclear medicine technologist.

(d) The eligibility requirement specified in paragraph (b) (4) shall be void six months after the effective date of these rules].

[(e)] (c) A person who is licensed as a radiographer, radiation therapist, or nuclear medicine technologist by another state, which has licensure standards comparable to those in Hawaii as determined by the board, shall be eligible to receive a license as a radiographer, radiation therapist, or nuclear medicine technologist, respectively.

[(f)] (d) The provisions of section 831-3.1, HRS, shall apply to those persons who have prior convictions of a crime relating to the subject matter on this chapter and who are applying for a license under this chapter.

[(g)] (e) The executive [secretary] officer or a duly appointed agent, under supervision of the chairperson or a duly appointed agent, shall review each application filed with the board, and shall advise the applicant on the form and completeness

of the application; provided that nothing in this section shall be construed to limit the board's authority ultimately to pass upon the applicant's qualifications.

[(h)] (f) Upon request of any member of the board, the executive [secretary] officer of the board or a duly appointed agent, under supervision of the chairperson or a duly appointed agent, shall verify information contained in the application form. The chairperson or a duly appointed agent may request assistance from the staff of the department of health through its director.

[(i)] (g) Before denying any application for a license, the board shall notify the applicant by letter, giving a concise statement of the reasons and a statement informing the applicant of a right to a hearing, as provided by chapter 91, HRS. [Eff 12/27/91; am and comp 11/9/98; am and comp]
(Auth: HRS §§466J-2, 466J-5, 466J-8) (Imp: HRS §§466J-2, 466J-5, 466J-8)

[S11-44-6 REPEALED [R 11/9/98]]

[S11-44-7] S11-44-6 License renewal. (a) All licensees shall renew their licenses biennially by filing an application furnished by the board and submitting a fee of \$60 for the first license and \$5 for each additional license. The biennial period shall begin thirty days after the end of the licensee's birth month.

(b) Notices to renew licenses shall be mailed biennially to licensees at the addresses recorded by the board. Failure to receive the notice shall not be a valid reason for not renewing licenses.

(c) Renewal fees received by mail shall be considered as paid when due if the envelope bears the postmark date before the end of the currently licensed biennial period.

(d) Any license which is not renewed shall be declared defunct.

(e) It shall be the responsibility of the licensee to notify the board of any change of name or mailing address within thirty days of the change. [Eff 12/27/91; am and comp 11/9/98; am, ren S11-44-6, and comp] (Auth: HRS §§466J-2) (Imp: HRS §§466J-2, 466J-4)

[S11-44-7.1 Transition from annual to biennial license renewal period. (a) Current licenses which expire on June 30, 1998 shall be renewed, upon payment of the renewal fee. The expiration date shall coincide with the continuing education verification year assigned by the American Registry of Radiologic Technologists or the verification year assigned by the board.

(b) Licensees who become licensed in additional modalities pursuant to this chapter will maintain the renewal year schedule established with the initial license.] [Eff and comp 11/9/98]
(Auth: HRS §§466J-2) (Imp: HRS §§466-2, 466J-4)

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[§11-44-7.2] §11-44-7 Continuing education requirement for license renewal. (a) After January 1, 1999, licensees with one or more licenses shall meet the following requirement for license renewal:

- (1) Attain twenty-four continuing education credits acceptable to the board in the two-year period immediately preceding renewal; or
 - (2) Meet the continuing education requirements of the American Registry of Radiologic Technologists in the two-year period immediately preceding renewal; or
 - (3) Be in good standing with the American Registry of Radiologic Technologists.
- (b) Licensees shall attest to the requirement specified in subsection (a) on the renewal form provided by the board.
- (c) Documentation verifying the requirement in subsection (a) for the preceding two-year period shall be maintained by the licensee, and shall be provided to the board upon request.
- (d) The board shall sample a percentage of licensees for continuing education compliance.
- (e) Failure of licensees to provide evidence for attested continuing education credits in a form acceptable to the board shall be grounds for license suspension or revocation.
- [Eff and comp 11/9/98; ren §11-44-7, comp] (Auth: HRS §§466J-2) (Imp: HRS §§466J-2, 466J-5.5)

§11-44-8 Unprofessional conduct. (a) The board may revoke, suspend, or refuse to issue any license as provided for in section 466J-8, HRS.

(b) Unprofessional conduct shall include, but is not limited to:

- (1) Engaging in the practice of radiography, or radiation therapy technology, or nuclear medicine technology while under the influence of alcohol or controlled substances as defined in chapter 329, HRS;
 - (2) Wilful falsification of records, or destruction or theft of property or records relating to the practice of radiography, radiation therapy technology, or nuclear medicine technology;
 - (3) Unauthorized disclosure of information relating to a patient or a patient's records;
 - (4) Engaging in the practice of radiography, or radiation therapy technology, or nuclear medicine technology without a valid license issued by the board.
- [Eff 12/27/91; am and comp 11/9/98; comp] (Auth: HRS §466J-2, 466J-8, 466J-9) (Imp: HRS §466J-2, 466J-8, 466J-9)

[§11-44-9 REPEALED [R 11/9/98]]

§11-44-9 Violation of chapter; penalties. Any person who violates this chapter shall be fined not more than \$2,000 for each

separate offense. Any action taken to impose or collect the penalty provided for in this section shall be considered a civil action. [Eff and comp] (Auth: HRS §466J-2, 466J-9) (Imp: HRS §466J-2, 466J-9)

S11-44-10 Accreditation requirements for schools or training programs for radiologic technology. (a) A school or training program that meets the minimum requirements set forth by the appropriate accreditation body for schools of radiologic technology shall be considered to meet the board's accreditation requirements.

(b) A school or training program for radiologic technology that is fully accredited by the appropriate accreditation body shall be considered to meet the board's accreditation requirements. [Eff 12/27/91; am and comp 11/9/98; comp] (Auth: HRS §§466J-2) (Imp: HRS §§466J-2, 466J-7)

S11-44-11 Standards for a new school or training program in radiologic technology. (a) An institution desiring to conduct an education program in radiologic technology in Hawaii shall meet the minimum accreditation requirements specified by the appropriate accreditation body.

(b) A new program in radiologic technology that is fully accredited by the appropriate accreditation body shall be considered to meet the board's accreditation requirements. [Eff 12/27/91; am and comp 11/9/98; comp] (Auth: HRS §§466J-2, 466J-7) (Imp: HRS §466J-2, 466J-7)

S11-44-12 Severability. If any provision of these rules, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable." [Eff 12/27/91; comp 11/9/98; comp] (Auth: HRS §466J-2) (Imp: HRS §466J-2)

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

3. Additions to update source notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 11-44, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules,
drafted in the Ramseyer format, pursuant to the requirements of
section 91-4.1, Hawaii Revised Statutes, which were adopted on
, and filed with the Office of the Lieutenant Governor.

MICHAEL J. MEAGHER, M.D.
Chairperson
Radiologic Technology Board

CHIYOME LEINAALA FUKINO, M.D.
Director of Health

APPROVED AS TO FORM:

Deputy Attorney General