

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the proposed amendment ) NOTICE OF PUBLIC HEARING  
of ARM 24.204.401 fee schedule, ) ON PROPOSED AMENDMENT  
24.204.404 limited permit holder fees, )  
24.204.2101 continuing education, )  
and 24.204.2301 unprofessional conduct )

TO: All Concerned Persons

1. On October 30, 2006, at 9:00 a.m., a public hearing will be held in room 489, Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Radiologic Technologists no later than 5:00 p.m., on October 25, 2006, to advise us of the nature of the accommodation that you need. Please contact Helena Lee, Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2385; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrts@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.204.401 FEE SCHEDULE (1) remains the same.

(a) Application fee - radiologic technologist (includes issuance of temporary permit if requested) \$60

(b) through (d) remain the same.

AUTH: 37-1-131, 37-1-134, 37-14-202, MCA

IMP: 37-1-134, 37-1-141, 37-14-305, 37-14-306, MCA

REASON: The department finds and the board agrees it is reasonable and necessary for fiscal tracking to include the temporary permit fee with the radiologic technologist license fee to clarify that the total fee is \$90 (\$60 application fee and \$30 original certificate fee). Both the radiologic technologist license and the temporary permit are the same total fee. In accordance with ARM 24.204.404, if a radiologic technologist license applicant requests a temporary permit, the applicant pays \$70 for the temporary permit and an additional \$20 after successfully passing the American Registry of Radiologic Technologists (ARRT) exam in order to be licensed. This \$90 fee was in lieu of the \$90 application and certificate fee. The temporary permit fee language is found in ARM 24.204.404(5) and (6) which are

proposed to be deleted. Under the proposed amendments, a temporary permit can be issued to a radiologic technologist license applicant under the application fee if requested.

There is also reasonable necessity to amend the authority and implementing citations to the rule, while the rule is otherwise being amended, in order to correctly reflect the board's rulemaking authority and the statutes being implemented by the rule.

24.204.404 LIMITED PERMIT HOLDER FEES

(1) through (4) remain the same.

~~(5) Temporary permit \_\_\_\_\_ 70~~

~~(6) A temporary permittee who applies for a full radiological technologist license shall pay only an additional \$20 for the full radiologic technologist license.~~

(7) remains the same but is renumbered (5).

AUTH: 37-1-131, 37-1-134, 37-14-202, 37-14-306, MCA

IMP: 37-1-134, 37-1-141, 37-14-305, 37-14-306, MCA

REASON: It is reasonable and necessary to amend this rule by proposing to amend the catchphrase in order to clarify that these permit fees are applicable to limited permit holders. Sections (5) and (6) are proposed to be deleted from ARM 24.204.404 because radiologic technologist temporary permits are not applicable to limited permit holders.

There is no fiscal impact and no temporary permit requestor is impacted by these amendments because the fees charged are neither increasing or decreasing.

24.204.2101 CONTINUING EDUCATION (1) remains the same.

(2) Licensees who do not hold an American Registry of Radiologic Technologist (ARRT) credential are held to the same standard for continuing education requirements as an ARRT licensee and must report 12 hours of continuing education to the board annually with their renewal form. The ARRT continuing education requirements can be located at [www.arrt.org](http://www.arrt.org).

(2) and (3) remain the same but are renumbered (3) and (4).

~~(4)~~ (5) The permit holder shall maintain records and documentation of completion of continuing education activities such as verification of participation forms, conference brochures, certificates, college or university transcripts or grade reports, articles, and book reviews.

(5) through (7) remain the same but are renumbered (6) through (8).

~~(8)~~ (9) Continuing education requirements may be met by retaking the limited permit general examination and receiving a passing score. They may also be met by passing an advanced level examination not previously passed and for which the individual is eligible (e.g., additional categories).

~~(9)~~ (10) The board shall accept any continuing education accrued by attending seminars, lectures, or courses directly related to the individual's field of practice or operation not already ~~herein~~ approved by one of the professional

organizations previously mentioned herein upon approval by the board. The sponsor or organization of any such continuing education may obtain board approved credit upon submission of information regarding the course content and participant evaluation procedures.

(10) and (10)(a) remain the same but are renumbered (11) and (11)(a).

(b) documentation must be maintained in the form of a book review written by the permittee noting the author, title, publisher, and publishing date of the book or article.

(11) through (13) remain the same but are renumbered (12) through (14).

AUTH: 37-1-319, 37-14-202, MCA

IMP: 37-1-131, 37-1-306, MCA

REASON: It is reasonable and necessary to amend this rule because the board does not have a rule in place addressing licensees who do not hold the ARRT credential and therefore a rule is needed to require the same standard of continuing education that is required for the other licensees. The rule is proposed for further amendment in order to comply with current rulemaking punctuation requirements.

There is also reasonable necessity to amend the authority and implementing citations to the rule, while the rule is otherwise being amended, in order to correctly reflect the board's rulemaking authority and the statutes being implemented by the rule.

24.204.2301 UNPROFESSIONAL CONDUCT (1) For the purposes of implementing 37-1-307, MCA, and in addition to the provisions of 37-1-316, MCA, "unprofessional conduct" is defined by this board to include, but not be limited to, the following:

~~(1)~~ (a) discrimination against a patient on the basis of age, sex, race, creed, social or economic status, handicap, personal attributes, or the nature of health problems;

(2) through (6) remain the same but are renumbered (b) through (f).

~~(7)~~ (g) failing to comply with the provision of Title 37, chapter 14, MCA, or any rule promulgated thereunder; and

(h) presenting a tampered or fraudulently produced American Registry of Radiologic Technologist (ARRT) pocket card and/or certificate for application or renewal purposes.

AUTH: 37-1-319, 37-14-202, MCA

IMP: 37-1-307, 37-1-316, MCA

REASON: It is reasonable and necessary to amend this rule because the board began receiving copies of tampered American Registry of Radiologic Technologists (ARRT) cards for application and renewal purposes, therefore the board has found reason to include this section as a provision of these unprofessional conduct rules. The rule is proposed for further amendment while the rule is otherwise being

amended in order to comply with current rulemaking format and punctuation requirements.

There is also reasonable necessity to amend the implementing citations to the rule, while the rule is otherwise being amended, in order to correctly reflect the statutes being implemented by the rule.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdrts@mt.gov](mailto:dlibsdrts@mt.gov), and must be received no later than 5:00 p.m., November 8, 2006.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at [www.radiology.mt.gov](http://www.radiology.mt.gov). The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Radiologic Technologists administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to [dlibsdrts@mt.gov](mailto:dlibsdrts@mt.gov), or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. A department attorney will be assigned to preside over and conduct this hearing.

BOARD OF RADIOLOGIC TECHNOLOGISTS  
ANNE DELANEY, RT, CHAIRPERSON

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State September 25, 2006