

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

In the matter of the proposed) NOTICE OF PUBLIC HEARING
adoption of NEW RULES I, II,) ON PROPOSED ADOPTION
III and IV pertaining to)
radiologist assistants, scope)
of practice, supervision, and)
adoption of a code of ethics)

TO: All Concerned Persons

1. On May 19, 2004, at 10:00 a.m., a public hearing will be held in room 438 of the Park Avenue Building, 301 South Park, Helena, Montana to consider the proposed adoption of the above-stated rules.

2. The Department of Labor and Industry 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 Montana Board of Radiologic Technologists no later than May 12, 2004, to advise us of the nature of the accommodation that you need. Please contact Ms. Helena Lee, Board of Radiologic Technologists, 301 South Park, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2385, by facsimile to (406) 841-2305, or by e-mail to dlibsdrts@state.mt.us.

3. The proposed NEW RULES provide as follows:

NEW RULE I QUALIFICATIONS (1) To become licensed as a radiologist assistant (RA), an applicant shall:

(a) be a graduate of an educational program recognized by the American college of radiology (ACR), the American registry of radiologic technologists (ARRT), or the American society of radiologic technologists (ASRT);

(b) be certified by the certification board for radiologic practitioner assistant (CBRPA) or considered eligible for the CBRPA certification examination;

(c) maintain an active ARRT registration status;

(d) have current certification in advanced cardiac life support (ACLS) skills;

(e) furnish validation of participation in continuing education activities with a minimum 24 hours of continuing education credits in each biannual report;

(f) have a current Montana radiologic technologist license; and

(g) furnish to the board a certification letter requirement from the physician supervisor.

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

IMP: 37-14-313, MCA

REASON: The Board of Radiologic Technologists has determined it is reasonably necessary to adopt this New Rule I to establish qualifications for licensure to implement Chapter 307, Laws of 2003 (HB 501), and to protect the public from potential harm. HB 501 requires that the Board provide for the licensure of radiologist assistants. Section 3 of the bill requires the Board to establish rules defining scope of practice and functions of the RA/RPA which are to be consistent with guidelines adopted by the American College of Radiology (ACR), the American Society of Radiologic Technologists (ASRT), the American Registry of Radiologic Technologists (ARRT) and the Certification Board for Radiologic Practitioner Assistant (CBRPA).

NEW RULE II SCOPE OF PRACTICE - SPECIFIC DUTIES AND FUNCTIONS

(1) The RA/RPA shall evaluate the day's schedule of procedures with the supervising staff radiologist or the licensee's radiologist designate and determine where the licensee's skills will be best utilized.

(2) After demonstrating competency, the RA/RPA, when ordered to do so by the treating physician, may perform the following procedures under the general supervision of a staff radiologist as defined in [NEW RULE III]:

- (a) fluoroscopic procedures (static and dynamic);
- (b) arthrograms, pursuant to 37-14-301(3), MCA; and
- (c) peripheral venograms, pursuant to 37-14-301(3), MCA.

(3) The RA/RPA shall evaluate and screen medical images for normal versus abnormal and provide a technical report to the supervising radiologist for review and final signatures.

(4) The RA/RPA shall assess and evaluate the physiologic and psychological responsiveness of each patient.

(5) The RA/RPA shall participate in patient management, including acquisition of additional imaging for completion of the exam and record documentation in medical records.

(6) The RA/RPA shall administer intravenous contrast media or glucagon, under the supervision of a radiologist or the attending physician pursuant to 37-14-301, MCA.

(7) The RA/RPA shall maintain current levels of education in emerging techniques, procedures and therapies by obtaining a minimum of 24 hours of continuing education biannually as required by ARRT, ACR, or ASRT and as approved by the board.

(8) The RA/RPA shall maintain values congruent with the code of ethics of the CBRPA and ARRT as well as adhering to national, institutional and/or departmental standards, policies, and procedures regarding the standards of care for patients.

AUTH: 37-1-131, 37-14-202, MCA
IMP: 37-14-202, 37-14-301, 37-14-313, MCA

REASON: The Board of Radiologic Technologists has determined this rule is reasonably necessary to comply with

and implement legislative provisions expressed by passage of Chapter 307, Laws of 2003 (HB 501), and to be consistent with guidelines already established by the American College of Radiology (ACR), the American Society of Radiologic Technologists (ASRT), and the American Registry of Radiologic Technologists (ARRT) as mandated by HB 501. The radiologist assistant is identified as an "advance-level technologist who works under the supervision of a radiologist to enhance patient care by assisting the radiologist in the diagnostic imaging environment" pursuant to section 37-14-102, MCA. The radiologist assistant will not interpret radiological examinations nor transmit observations other than to the supervising radiologist.

NEW RULE III DEFINITIONS As used in this chapter, the following definitions apply:

(1) "General supervision" means diagnostic procedures are furnished under the licensed radiologist's overall direction and control, but the licensed radiologist's presence is not required. The licensed radiologist must be available on a regularly scheduled basis to review the practice of the supervised individual, to provide consultation to the supervised individual, to review records, and to further educate the supervised individual in the performance of the individual's duties.

(2) "RA" means radiologic assistant. The term includes, and is synonymous with "RPA", which stands for radiologic practitioner assistant.

AUTH: 37-1-131, 37-14-202, MCA
IMP: 37-14-102, 37-14-202, 37-14-313, MCA

REASON: The Board of Radiologic Technologists has determined this rule is reasonably necessary to comply with legislative intent as expressed by passage of Chapter 307, Laws of 2003 (HB 501). The Board proposes this definition in conjunction with the professional understanding of terminology as expressed in the guidelines of the ACR, ASRT, and ARRT set out in Section three of HB 501 and as a requirement of compliance with those guidelines as expressed in HB 501.

NEW RULE IV ADOPTION OF CODE OF ETHICS (1) The board adopts and incorporates by reference the code of ethics adopted by the American registry of radiologic technologists (ARRT) which became effective in July 2002.

(2) Copies of the ARRT code of ethics may be obtained from the office of the board of radiologic technologists at 301 S. Park Ave., Helena, or P.O. Box 200513, Helena, Montana 59620-0513.

(3) The RA/RPA shall adhere to the ARRT code of ethics and principles.

(4) In addition to the ARRT code of ethics and principles, the conduct of the RA/RPA will be governed by the

following additional ethical and professional principles. The RA/RPA shall:

(a) adhere to all state and federal laws governing informed consent concerning the patient's health care;

(b) seek consultation with the supervising physician, other health providers, or qualified professionals having special skills, knowledge or expertise whenever the welfare of the patient will be safeguarded or advanced by such consultation. Supervision should include ongoing communication between the supervising physician and the RA/RPA regarding care of all patients;

(c) provide only those services for which they are qualified via education and demonstration of clinical competency and as set forth in this chapter;

(d) not misrepresent in any manner, either directly or indirectly, their clinical skills, educational experience, professional credentials, identity, or ability and capability to provide radiology health care services;

(e) place service before material gain; and

(f) carefully guard against conflicts of professional interest.

AUTH: 37-1-131, 37-14-202, MCA
IMP: 37-14-202, 37-14-313, MCA

REASON: The Board has determined that adoption of the ARRT code of ethics is necessary because HB 501, enacted by passage of Chapter 307, Laws of 2003, requires the board to adopt rules consistent with the guidelines of ARRT, ACR and ASRT. The ARRT Code of Ethics is uniformly interpreted and enforced by these three entities.

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, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdrts@state.mt.us and must be received no later than 5:00 p.m., June 1, 2004.

5. An electronic copy of this Notice of Public Hearing is available through the Department's site on the World Wide Web at <http://discoveringmontana.com/dli/bsd> under the Board of Radiologic Technologists rule notice section. 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, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a

person's technical difficulties in accessing or posting to the comment forum do not excuse late submission of comments.

6. The Board of Radiologic Technologists maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the board. Persons who wish to have their name included on 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 wants to receive notices regarding all Board of Radiologic Technologists administrative rulemaking proceedings or other administrative proceedings. Such written requests may be mailed or delivered to the Board of Radiologic Technologists, 301 South Park, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdrts@state.mt.us or may be made by completing a request form at any rules hearing by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

8. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

BOARD OF RADIOLOGIC TECHNOLOGISTS
JOHN ROSENBAUM, CHAIRMAN

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State April 12, 2004