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**VIRTUAL/TELECONFERENCE  
RADIOGRAPHY EXAMINING BOARD  
Virtual, 4822 Madison Yards Way, Madison  
Contact: Tom Ryan (608) 266-2112  
November 10, 2021**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.*

**AGENDA**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda (1-3)**

**B. Approval of Minutes of July 28, 2021 (4-5)**

**C. Reminders: Conflicts of Interest, Scheduling Concerns**

**D. Administrative Matters – Discussion and Consideration**

- 1) Department, Staff and Board Updates
- 2) Board Members – Term Expiration Dates
  - a. Borst, Donald A. – 7/1/2025
  - b. Grebe, Paul J. – 7/1/2023
  - c. Julson, Rachael S. – 7/1/2024
  - d. Nichols, Heidi M. – 7/1/2020
  - e. Szykutowicz, Timothy P. – 7/1/2024

**E. Administrative Rule Matters – Discussion and Consideration**

- 1) Adoption Order: RAD 7, Relating to Requirements for License and Permit Renewal and Reinstatement **(6-11)**
- 2) Pending or Possible Rulemaking Projects **(12)**

**F. COVID-19 – Discussion and Consideration**

**G. Discussion and Consideration of Items Added After Preparation of Agenda**

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters

- 9) Practice Matters
- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

H. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

**I. Deliberation on Division of Legal Services and Compliance Matters**

- 1) Administrative Warnings**
  - a. 20 RAD 011 – C.J.B. **(13-14)**
  - b. 20 RAD 012 – J.M.G. **(15-16)**
- 2) Case Closing**
  - a. 20 RAD 004 – Unknown **(17-38)**
  - b. 21 RAD 002 – A.M.B. **(39-51)**
- 3) Proposed Stipulations and Final Decisions, and Orders**
  - a. 20 RAD 001 – Melissa L. Shutter, R.T.R. **(52-57)**
- 4) Monitoring Matters**
  - a. Stephanie Rouse, R.T.R. – Requesting to Reduce Testing **(58-70)**

J. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders

- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Case Closings
- 13) Proposed Final Decisions and Orders
- 14) Matters Relating to Costs/Orders Fixing Costs
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

K. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

L. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

M. Open Session Items Noticed Above Not Completed in the Initial Open Session

**ADJOURNMENT**

**NEXT MEETING: MARCH 9, 2022**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**RADIOGRAPHY EXAMINING BOARD  
VIRTUAL/TELECONFERENCE  
MEETING MINUTES  
JULY 28, 2021**

**PRESENT:** Paul Grebe, Rachael Julson, Heidi Nichols, Timothy Szczykutowicz

**EXCUSED:** Donald Borst

**STAFF:** Valerie Payne, Executive Director; Jon Derenne, Legal Counsel; Nilajah Hardin, Rule Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv.; Katlin Schwartz, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Rachael Julson, Vice Chairperson, called the meeting to order at 9:00 a.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Heidi Nichols moved, seconded by Paul Grebe, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF MARCH 10, 2021**

**MOTION:** Paul Grebe moved, seconded by Heidi Nichols, to approve the Minutes of March 10, 2021 as published. Motion carried unanimously.

**PUBLIC HEARING: CR 21-054 – REVISING RAD 1 AND 4, RELATING TO SCOPE OF PRACTICE**

**Review and Respond to Public Hearing Comments and Clearinghouse Report**

**MOTION:** Rachael Julson moved, seconded by Timothy Szczykutowicz, to accept all Clearinghouse comments for Clearinghouse Rule 21-054 on RAD 1 and 4, relating to scope of practice. Motion carried unanimously.

**MOTION:** Heidi Nichols moved, seconded by Paul Grebe, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 21-054 on RAD 1 and 4, relating to scope of practice, for submission to the Governor's Office and Legislature. Motion carried unanimously.

**PUBLIC HEARING: CR 21-048 – REVISING RAD 2 AND 3, RELATING TO REQUIREMENTS FOR LICENSES AND PERMITS**

**Review and Respond to Public Hearing Comments and Clearinghouse Report**

**MOTION:** Paul Grebe moved, seconded by Rachael Julson, to accept all Clearinghouse comments for Clearinghouse Rule 21-048 on RAD 2 and 3, relating to requirements for licenses and permits. Motion carried unanimously.

**MOTION:** Heidi Nichols moved, seconded by Rachael Julson, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 21-048 on RAD 2 and 3, relating to requirements for licenses and permits, for submission to the Governor's Office and Legislature. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Heidi Nichols moved, seconded by Timothy Szczykutowicz, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (s. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Rachael Julson, Vice Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Paul Grebe-yes; Rachael Julson-yes; Heidi Nichols-yes; and Timothy Szczykutowicz-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:42 a.m.

### **DELIBERATION ON DLSC MATTERS**

#### **Administrative Warnings**

#### ***20 RAD 009 – M.A.B.***

**MOTION:** Heidi Nichols moved, seconded by Paul Grebe, to issue an Administrative Warning in the matter of M.A.B., DLSC Case Number 20 RAD 009. Motion carried unanimously.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Timothy Szczykutowicz moved, seconded by Heidi Nichols, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened in Open Session at 9:45 a.m.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Heidi Nichols moved, seconded by Timothy Szczykutowicz, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)*


### **ADJOURNMENT**

**MOTION:** Rachael Julson moved, seconded by Paul Grebe, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:47 a.m.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Nilajah Hardin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 10/27/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Radiography Examining Board			
<b>4) Meeting Date:</b> 11/10/21	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters – Discussion and Consideration 1. Adoption Order: RAD 7, Relating to Requirements for License and Permit Renewal and Reinstatement 2. Pending or Possible Rulemaking Projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Review and Approve Adoption Order for RAD 7; Update on Board’s pending rule projects  Attachments: <ul style="list-style-type: none"> <li>• RAD 7 Adoption Order</li> <li>• Rule Projects Chart</li> </ul> Copies of Current Board Rule Projects can be Found Here: <a href="https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx">https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx</a>			
<b>11) Authorization</b>			
 Signature of person making this request		10/27/21 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)     Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
RADIOGRAPHY EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	RADIOGRAPHY EXAMINING
RADIOGRAPHY EXAMINING BOARD	:	BOARD
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 21-006)

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ORDER

An order of the Radiography Examining Board to create ch. RAD 7, relating to requirements for license and permit renewal and reinstatement.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Sections 440.08 (3) (b) and 462.05, Stats.

**Statutory authority:** Sections 15.08 (5) (b) and 440.08 (3) (b), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides that an examining board, such as the Radiography Examining Board, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains . . .”

Section 440.08 (3) (b), Stats., provides authority for the Radiography Examining Board to promulgate rules requiring the holder of a credential who fails to renew the credential within 5 years after its renewal date to complete requirements to restore the credential, in addition to the applicable requirements for renewal established under chs. 440 to 480, Stats., that the Board determines are necessary to protect the public health, safety, or welfare. The rules may not require the holder to complete educational requirements or pass examinations that are more extensive than the educational or examination requirements that must be completed to obtain an initial credential from the Board.

**Related statute or rule:**

Chapter RAD 5 provides the continuing education requirements for renewal of a radiographer license and a limited x-ray machine operator permit.

**Plain language analysis:**

The proposed rules specify requirements for late renewal of a radiographer license or limited x-ray machine operator permit and the requirements for reinstatement of a license or permit that has not been renewed within 5 years when the licensee or permit holder has unmet disciplinary requirements, or the license or permit has been denied at renewal, revoked, or surrendered.

**Summary of, and comparison with, existing or proposed federal regulation:** None.

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:**

The Board held a public comment period and conducted a public hearing on July 29, 2020. The Board received written comments concerning the statement of scope from the following individuals:

- Sandra Helinski, RTR, QM, MR - Wisconsin Society of Radiologic Technologists Legislative Committee Chairperson
- Daniel Vander Meulen - Clinical Instructor, University of Wisconsin School of Radiologic Technology and President Elect, Wisconsin Society of Radiologic Technologists

Both individuals expressed support of the scope statement's objective, which is to specify the requirements for renewal and reinstatement of a license as a radiographer or a limited x-ray machine operator permit, and recommended the requirements established by the Board reflect the qualifications for reinstatement of certification and registration in Article VI of the rules and regulations of the American Registry of Radiologic Technologists. The Board considered this recommendation when developing the proposed rule.

Both individuals also requested the Board to revise the statement of scope to include an expansion of the Board's ability to request verification of a limited x-ray machine operator's compliance with continuing education requirements. The Board's authority to request verification of compliance with continuing education requirements is under s. RAD 5.04, which is based on the provisions of s. 440.035 (2), Stats. Therefore, the Board did not revise the scope statement as the Board does not have the statutory authority to amend the provisions of s. RAD 5.04.

**Comparison with rules in adjacent states:**

**Illinois:** Rules of the Illinois Emergency Management Agency provide for accreditation in the practice of medical radiation technology in Illinois (32 Ill. Admin. Code 401). If an individual's accreditation is not renewed, the credential holder has the right at any time to submit an application for renewal of accreditation. The application reviewed and processed in accordance with the requirements for timely renewal of an accreditation, except that an individual may not legally apply ionizing radiation to human beings until the Agency has acted to grant the application for renewal of accreditation [32 Ill. Admin. Code 401.140 c) 6)].

When an individual's accreditation is suspended, the individual must surrender the credential to the Agency until the termination of the suspension period [32 Ill. Admin. Code 401.120 d)]. An individual whose accreditation has been revoked may seek reinstatement of accreditation by filing a petition for reinstatement with the Agency. The petition may be filed one year or more after the beginning of the revocation period. The individual must be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and



bears the burden of proof of establishing that the accreditation should be reinstated due to rehabilitation or other just cause [32 Ill. Admin. Code 401.120 e)].

**Iowa:** 641 IAC 42 provides for permits to operate ionizing radiation producing machines or administer radioactive materials in Iowa. A permit expires if it is not timely renewed, and may be reinstated if all of the following are submitted:

- An application to reinstate and a nonrefundable application fee.
- Any continuing education hours due at time of renewal.
- Proof that all stipulations of any order of disciplinary or enforcement action have been satisfied.

If a permit is expired 6 months or more, all requirements for applying for an initial permit must be met.

**Michigan:** The State of Michigan does not license operators of x-ray machines, nor does it have any requirements relative to the licensure or credentialing of x-ray machine operators except for operators of mammography machines (Mich Admin Code, R 333.5630) and CT machines (Mich Admin Code, R 325.5705).

**Minnesota:** Minn. Stat. 144.121, Subd. 5., provides the requirements for practicing as a limited x-ray machine operator. The statutes do not have any requirements for the licensure or credentialing of operators of x-ray machines.

**Summary of factual data and analytical methodologies:**

The proposed rules were developed by reviewing ss. 440.08 and 462.05, Stats., which provide requirements for renewal of a radiographer license and a limited x-ray machine operator permit, and the administrative rules concerning late renewal and reinstatement of a license that are administered by other licensing and credentialing boards.

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

The proposed rules were posted for a period of 14 days to solicit public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone (608) 267-7139; email at DSPSAdminRules@wisconsin.gov.

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TEXT OF RULE

SECTION 1. Chapter RAD 7 is created to read:

CHAPTER RAD 7

RENEWAL AND REINSTATEMENT

**RAD 7.01 Biennial renewal.** As required under s. 462.05, Stats., each license and permit shall be renewed biennially with the board. Each licensee and permit holder shall complete a renewal application and submit it with the required fee to the department by the renewal date under s. 440.08 (2) (a) 39m. or s. 440.08 (2) (a) 64g., Stats., as applicable.

**RAD 7.02 Late renewal and reinstatement of a license or permit.** Failure to renew a license or permit as required under s. RAD 7.01 shall cause the license or permit to expire. A radiographer or LXMO who allows a license or permit to expire may apply to the board for late renewal or reinstatement of the license or permit by completing one of the following:

(1) LATE RENEWAL WITHIN 5 YEARS. If a radiographer or LXMO applies for renewal within 5 years after the renewal date, submission of the completed application and fee required under s. RAD 7.01, payment of the late fee under s. 440.08 (3) (a), Stats., and the continuing education requirements under ch. RAD 5.

(2) LATE RENEWAL AFTER 5 YEARS. (a) If a radiographer or LXMO applies for renewal more than 5 years after the renewal date, the requirements under sub. (1) and the requirements to obtain a license or permit under s. 462.03 (2) or (3), Stats., as applicable. Except as provided under sub. (3), this subsection does not apply to a radiographer or LXMO who has unmet disciplinary requirements or whose license or permit has been denied at renewal, surrendered, or revoked.

(b) The board may waive any of the educational or examination requirements under par. (a) based on evidence satisfactory to the board that granting renewal of the license or permit would adequately protect public health, safety, and welfare.

(3) REINSTATEMENT. If a radiographer or LXMO has unmet disciplinary requirements and failed to renew within 5 years of the renewal date or a license or permit that has been denied at renewal, surrendered, or revoked, submission of an application to have the license or permit reinstated. An application for reinstatement shall include all of the following:

(a) Evidence of completion of the requirements under sub. (2).

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances warranting reinstatement of the license or permit.

**Note:** An application for renewal or reinstatement may be obtained from the department of safety and professional services at (608) 266-2112 or from the department's website at <http://dsps.wi.gov>.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Radiography Examining Board

**Radiography Examining Board  
Rule Projects (updated 10/27/21)**

<b>Clearinghouse Rule Number</b>	<b>Scope #</b>	<b>Scope Expiration</b>	<b>Code Chapter Affected</b>	<b>Relating clause</b>	<b>Current Stage</b>	<b>Next Step</b>
21-054	141-20	05/02/2023	RAD 1 and 4	Scope of Practice	Assembly and Senate Standing Committee Review	JCRAR Review; Anticipated Adoption Order to be Presented at 03/09/2022 Meeting
21-048	100-19	04/07/2022	RAD 2 and 3	Requirements for Licenses and Permits	Assembly and Senate Standing Committee Review	JCRAR Review; Anticipated Adoption Order to be Presented at 03/09/2022 Meeting
21-006	021-19	09/04/2021	RAD 7	Requirements for License and Permit Renewal and Reinstatement	Adoption Order Presented at 11/10/2021 Meeting	Submission for Publication; Anticipated Rule Effective Date 01/01/2022