



RADIOGRAPHY EXAMINING BOARD
Room N208, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
August 1, 2018

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 record 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 February 28, 2018 (4-9)

C) Administrative Updates

- 1) Department and Staff Updates
- 2) Appointments/Reappointments/Confirmations
- 3) Board Members – Term Expiration Dates
 - a) Donald Borst – 07/01/2021 (*confirmation pending*)
 - b) Thomas Frenn – 07/01/2019 (*confirmation pending*)
 - c) Michele Goodweiler – 07/01/2018
 - d) Tracy Marshall – 07/01/2020 (*confirmation pending*)
 - e) Heidi Nichols – 07/01/2020

D) Conflicts of Interest

E) Legislative/Administrative Rule Matters (10-28)

- 1) Adoption Order for RAD 4, Relating to Scope of Practice
- 2) Supervision of Radiography Students
- 3) Scope Statement for RAD 7, Relating to Requirements for License and Permit Renewal and Reinstatement
- 4) Review of Draft Rules for RAD 5, Relating to Continuing Education
- 5) Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108
- 6) Update on Other Legislation and Pending or Possible Rulemaking Projects

F) Credentialing Matters (29-30)

- 1) **License Verifications – Discussion and Consideration**

G) Informational Item(s)

H) Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Appointments, Reappointments, and Confirmation
- 3) Administrative Updates
- 4) Education and Examination Matters
- 5) Credentialing Matters
- 6) Practice Matters
- 7) Legislation/Administrative Rule Matters
- 8) Board Liaison Training and Appointment of Mentors
- 9) Liaison, Panel, and Committee Report(s)
- 10) Informational Item(s)
- 11) Disciplinary Matters
- 12) Presentations of Petition(s) for Summary Suspension
- 13) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 14) Presentation of Proposed Decisions
- 15) Presentation of Interim Order(s)
- 16) Petitions for Re-Hearing
- 17) Petitions for Assessments
- 18) Petitions to Vacate Order(s)
- 19) Petitions for Designation of Hearing Examiner
- 20) Requests for Disciplinary Proceeding Presentations
- 21) Motions
- 22) Petitions
- 23) Appearances from Requests Received or Renewed
- 24) Speaking Engagement(s), Travel, or Public Relation Request(s), and reports

I) Public Comments

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

J) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Board Liaison Training
- 4) Disciplinary Matters
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petition(s) for Summary Suspensions
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Administrative Warnings
- 10) Proposed Decisions
- 11) Matters Relating to Costs
- 12) Complaints
- 13) Case Closings
- 14) Case Status Report
- 15) Petition(s) for Extension of Time
- 16) Proposed Interim Orders
- 17) Petitions for Assessments and Evaluations
- 18) Petitions to Vacate Orders
- 19) Remedial Education Cases
- 20) Motions

- 21) Petitions for Re-Hearing
- 22) Appearances from Requests Received or Renewed

K) Consult with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

L) **Credentialing Liaison Training**

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

N) **Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate**

O) **Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates**

ADJOURNMENT

NEXT SCHEDULED MEETING: DECEMBER 12, 2018

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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**RADIOGRAPHY EXAMINING BOARD
MEETING MINUTES
February 28, 2018**

PRESENT: Donald Borst, Thomas Frenn (*via GoToMeeting*), Michele Goodweiler (*via GoToMeeting*), Heidi Nichols (*via GoToMeeting*)

EXCUSED: Tracy Marshall

STAFF: Tom Ryan, Executive Director; Kimberly Wood, Program Assistant Supervisor-Advanced; and other Department staff

CALL TO ORDER

Donald Borst, Chair, called the meeting to order at 9:00 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Michele Goodweiler moved, seconded by Heidi Nichols, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Michele Goodweiler moved, seconded by Heidi Nichols, to approve the minutes of August 2, 2017 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

Election of Officers

BOARD CHAIR

NOMINATION: Michele Goodweiler nominated Donald Borst for the Office of Board Chair.

Tom Ryan called for nominations three (3) times.

Donald Borst was elected as Chair by unanimous consent.

VICE CHAIR

NOMINATION: Michele Goodweiler nominated Tracy Marshall for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

Tracy Marshall was elected as Vice Chair by unanimous consent.

SECRETARY

NOMINATION: Heidi Nichols nominated Michele Goodweiler for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Michele Goodweiler was elected as Secretary by unanimous consent.

2018 ELECTION OF OFFICERS	
Board Chair	Donald Borst
Vice Chair	Tracy Marshall
Secretary	Michele Goodweiler

Liaison Appointments

2018 LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Donald Borst <i>Alternate: Tracy Marshall</i>
Education and Exams Liaison(s)	Heidi Nichols <i>Alternate: Donald Borst</i>
Monitoring Liaison(s)	Heidi Nichols <i>Alternate: Michele Goodweiler</i>
Professional Assistance Procedure (PAP) Liaison(s)	Tracy Marshall <i>Alternate: Michele Goodweiler</i>
Legislative Liaison(s)	Michele Goodweiler <i>Alternate: Donald Borst</i>
Travel Liaison	Donald Borst
Practice Question Liaison(s)	Heidi Nichols <i>Alternate: Michele Goodweiler</i>
Rules Liaison(s)	Donald Borst <i>Alternate: Tracy Marshall</i>
Website Liaison	Michele Goodweiler
Screening Panel	Donald Borst, Tracy Marshall

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to affirm the Chair's appointment of liaisons for 2018. Motion carried unanimously.

Delegation of Authorities

Document Signature Delegation

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director, or designee, to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, that, in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chair, or in the absence of the Chair, the highest-ranking officer or longest serving board member in that succession, to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Monitoring Delegation

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” as presented. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters except potential denial decisions which should be referred to the full Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPS When Rule and Statute Criteria is Met

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to delegate credentialing authority to DSPS to act upon applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Voluntary Surrenders

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender of a license by a licensee who has a pending complaint or disciplinary matter per Wis. Stat. § 440.19. Motion carried unanimously.

Continuing Education or Education Delegation

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to delegate authority to the Office of Education and Examination Liaison(s) to address all issues related to CE, education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Authority

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to authorize Department staff to provide national regulatory related authorities with all Board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn to designate the Chair, the highest-ranking officer, or longest serving member of the Board, to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to delegate authority to the Travel Liaison to approve any Board Member travel. Motion carried unanimously.

Occupational Licensure Study Liaison

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to designate Donald Borst as the Board's liaison to represent and speak on behalf of the Board regarding occupational license review and related matters. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Scope Statement for RAD 5, Relating to Continuing Education

MOTION: Heidi Nichols moved, seconded by Thomas Frenn, to approve the Scope Statement revising RAD 5, relating to continuing education, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board moves to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

2017 Radiography and LXMO Practice Standards of the American Society of Radiologic Technologists

MOTION: Michele Goodweiler moved, seconded by Heidi Nichols, to request DSPS staff draft a Scope Statement relating to scope of practice. Additionally, the Board moves to authorize the Chair to approve the scope for submission to the Department of Administration and Governor's Office, for publication, and for implementation no less than 10 days after publication. Motion carried unanimously.

CLOSED SESSION

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). Donald Borst, Chair, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Donald Borst-yes; Thomas Frenn-yes; Michele Goodweiler-yes; and Heidi Nichols-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:31 a.m.

RECONVENE TO OPEN SESSION

MOTION: Thomas Frenn moved, seconded by Heidi Nichols, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened in Open Session at 9:33 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Heidi Nichols moved, seconded by Thomas Frenn, 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.)

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Case Closings

17 RAD 001

MOTION: Heidi Nichols moved, seconded by Thomas Frenn, to close DLSC Case Number 17 RAD 001, against T.M., for No Violation. Motion carried unanimously.

RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Michele Goodweiler moved, seconded by Heidi Nichols, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Michele Goodweiler moved, seconded by Thomas Frenn, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:35 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 7/20/18 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Radiography Examining Board			
4) Meeting Date: 8/1/18	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters – Discussion and Consideration 1. Adoption Order for RAD 4 Relating to Scope of Practice 2. Supervision of Radiography Students 3. Scope Statement for RAD 7 Relating to Requirements for License and Permit Renewal and Reinstatement 4. Review of Draft Rules for RAD 5 Relating to Continuing Education 5. Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108 6. Update on Other Legislation and Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: 2. The Board will review the requirements for supervision of radiography students under s. 462.02 (2) (b), Stats. A definition of “direct supervision” is provided under s. RAD 1.02 (16) .			
11) Authorization			
<i>Dale Kleven</i>		<i>July 20, 2018</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 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

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	RADIOGRAPHY EXAMINING
RADIOGRAPHY EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 17-082)

ORDER

An order of the Radiography Examining Board to renumber and amend RAD 4.01 (2) and 4.02 (2) and create RAD 4.01 (1) (title) and (2) (a) to (s) and (Note) and 4.02 (1) (title) and (2) (a) to (o) and (Note), relating to scope of practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Chapter 462, Stats.

Statutory authority: Sections 15.08 (5) (b) and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, providing “ [e]ach agency may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Related statute or rule:

Chapters RAD 1 to 3, 5, and 6.

Plain language analysis:

Current rules define the scope of practice for radiographers and limited X-ray machine operators by reference to the standards set by the American Society of Radiologic Technologists (ASRT) in 2010. ASRT periodically updates its standards, most recently in 2016. To provide up-to-date scope of practice standards as well as increased clarity and convenience, the rules reproduce the 2016 ASRT standards in full in ss. RAD 4.01 and 4.02 and make other changes to conform with current administrative rule drafting standards.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

32 Ill. Admin. Code 401, which provides for accreditation in the practice of medical radiation technology in Illinois, does not explicitly define scope of practice. However, scope of practice is addressed in definitions of the categories of accreditation in the practice of medical radiation technology and the techniques of applying radiation (32 Ill. Admin. Code 401.20). These definitions do not reference the American Society of Radiologic Technologist standards.

Iowa:

645 IAC 42, which provides for permits to operate ionizing radiation producing machines or administer radioactive materials in Iowa, does not explicitly define scope of practice. However, scope of practice is addressed in definitions of the categories of permits to practice and the techniques of using ionizing radiation producing machines and administering radioactive materials (645 IAC 42.2). In addition, the rules provide the scope within which a limited radiologic technologist with categories of chest, spine, extremities, shoulder, and pediatric shall perform radiography (645 IAC 42.2). The rules do not reference the American Society of Radiologic Technologist standards.

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). These rules do not define or otherwise address scope of practice.

Minnesota:

Minn. Stat. 144.121, Subds. 5a. and 5b., provide the scope of practice of a limited x-ray machine operator (LXMO) and a means of granting a variance to a facility for the scope of practice of an LXMO. The statutes do not reference the American Society of Radiologic Technologist standards.

Summary of factual data and analytical methodologies:

This rule updates the applicable scope of practice standards to reference the current 2016 American Society of Radiologic Technologists standards. No additional factual data or analytical methodologies were used to develop the rules.

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

The rules were posted for a period of 14 days to solicit public comment on the economic impact of the rule, including how the 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 document is attached.

Effect on small business:

These 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 Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on December 13, 2017, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. RAD 4.01 (1) (title) is created to read:

RAD 4.01 (1) (title) GENERAL SCOPE OF PRACTICE.

SECTION 2. RAD 4.01 (2) is renumbered RAD 4.01 (2) (intro.) and amended to read:

RAD 4.01 (2) (intro.) ~~APPLICABLE STANDARDS~~ STANDARDS. The scope of practice of a licensed radiographer ~~is~~ includes all of the following, as defined in the Radiography Standards, Practice Standards for Medical Imaging and Radiation Therapy, ~~2010~~ 2016 American Society of Radiologic Technologists;

SECTION 3. RAD 4.01 (2) (a) to (s) and (Note) are created to read:

RAD 4.01 (2) (a) Providing optimal patient care.

(b) Receiving, relaying, and documenting verbal, written, and electronic orders in the patient's medical record.

(c) Corroborating a patient's clinical history with procedure and ensuring information is documented and available for use by a licensed independent practitioner.

(d) Verifying informed consent for applicable procedures.

(e) Assuming responsibility for patient needs during procedures.

(f) Preparing patients for procedures.

(g) Applying principles of ALARA, or As Low As Reasonably Achievable, to minimize exposure to patient, self, and others.

(h) Performing venipuncture as prescribed by a licensed independent practitioner.

(i) Starting, maintaining, and removing intravenous access as prescribed by a licensed independent practitioner.

(j) Identifying, preparing, and administering medications as prescribed by a licensed independent practitioner.

(k) Evaluating images for technical quality, ensuring proper identification is recorded.

(L) Identifying and responding to emergency situations.

(m) Providing education.

(n) Educating and monitoring students and other health care providers.

(o) Performing ongoing quality assurance activities.

(p) Applying the principles of patient safety during all aspects of patient care.

(q) Performing diagnostic radiographic and noninterpretive fluoroscopic procedures as prescribed by a licensed independent practitioner.

(r) Determining technical exposure factors.

(s) Assisting a licensed independent practitioner with fluoroscopic and specialized radiologic procedures.

Note: The Practice Standards for Medical Imaging and Radiation Therapy issued by the American Society of Radiologic Technologists define ALARA, or As Low As Reasonably Achievable, to mean “making every reasonable effort to maintain exposures to radiation as far below the dose limits as practical, consistent with the purpose for which the licensed activity is undertaken, while taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to the use of nuclear energy and licensed materials in the public interest.”

SECTION 4. RAD 4.02 (1) (title) is created to read:

RAD 4.02 (1) (title) GENERAL SCOPE OF PRACTICE.

SECTION 5. RAD 4.02 (2) is renumbered RAD 4.02 (2) (intro.) and amended to read:

RAD 4.02 (2) (intro.) ~~APPLICABLE STANDARDS~~ STANDARDS. The scope of practice of a an LXMO is includes all of the following, as defined in the Limited X-ray Machine Operator Practice Standards, ~~2010~~ 2016 American Society of Radiologic Technologists-;

SECTION 6. RAD 4.02 (2) (a) to (o) and (Note) are created to read:

RAD 4.02 (2) (a) Providing optimal patient care.

(b) Corroborating a patient's clinical history with procedure and ensuring information is documented and available for use by a licensed independent practitioner.

(c) Preparing patients for procedures.

(d) Assuming responsibility for patient needs during procedures.

(e) Applying principles of ALARA, or As Low As Reasonably Achievable, to minimize exposure to patient, self, and others.

(f) Evaluating images for technical quality and ensuring proper identification is recorded.

(g) Identifying and responding to emergency situations.

(h) Providing education.

(i) Performing ongoing quality assurance activities.

(j) Applying the principles of patient safety during all aspects of patient care.

(k) Performing radiographic procedures limited to education or the specific area of anatomical interest based on training and licensure or certification as prescribed by a licensed independent practitioner.

(L) Assisting a licensed independent practitioner or radiographer during static radiographic procedures.

(m) Determining technical exposure factors in accordance with the principles of ALARA, or As Low As Reasonably Achievable.

(n) Evaluating images for overall diagnostic quality.

(o) Assisting a licensed independent practitioner or radiographer in providing patient education.

Note: The Practice Standards for Medical Imaging and Radiation Therapy issued by the American Society of Radiologic Technologists define ALARA, or As Low As Reasonably Achievable, to mean “making every reasonable effort to maintain exposures to radiation as far below the dose limits as practical, consistent with the purpose for which the licensed activity is undertaken, while taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to the use of nuclear energy and licensed materials in the public interest.”

SECTION 7. 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.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Radiography Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

RAD 4

3. Subject

Scope of practice

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

Current rules define the scope of practice for radiographers and limited X-ray machine operators by reference to the standards set by the American Society of Radiologic Technologists (ASRT) in 2010. ASRT periodically updates its standards, most recently in 2016. The proposed rules revise ss. RAD 4.01 and 4.02 to reference the 2016 ASRT standards and conform to current drafting standards for administrative rules.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule was posted on the Department and Professional Services' website for 14 days in order to solicit comments from businesses, associations representing businesses, local governmental units, and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is providing clarity and updated scope of practice standards. If the rule is not implemented, it will continue to reference outdated scope of practice standards.

14. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is clarity and updated scope of practice standards.

15. Compare With Approaches Being Used by Federal Government

None

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

32 Ill. Admin. Code 401, which provides for accreditation in the practice of medical radiation technology in Illinois, does not explicitly define scope of practice. However, scope of practice is addressed in definitions of the categories of accreditation in the practice of medical radiation technology and the techniques of applying radiation (32 Ill. Admin. Code 401.20). These definitions do not reference the American Society of Radiologic Technologist standards.

Iowa:

645 IAC 42, which provides for permits to operate ionizing radiation producing machines or administer radioactive materials in Iowa, does not explicitly define scope of practice. However, scope of practice is addressed in definitions of the categories of permits to practice and the techniques of using ionizing radiation producing machines and administering radioactive materials (645 IAC 42.2). In addition, the rules provide the scope within which a limited radiologic technologist with categories of chest, spine, extremities, shoulder, and pediatric shall perform radiography (645 IAC 42.2). The rules do not reference the American Society of Radiologic Technologist standards.

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). These rules do not define or otherwise address scope of practice.

Minnesota:

Minn. Stat. 144.121, Subds. 5a. and 5b., provide the scope of practice of a limited x-ray machine operator (LXMO) and a means of granting a variance to a facility for the scope of practice of an LXMO. The statutes do not reference the American Society of Radiologic Technologist standards.

17. Contact Name

Dale Kleven

18. Contact Phone Number

(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

STATEMENT OF SCOPE

Radiography Examining Board

Rule No.: Chapter RAD 7

Relating to: Requirements for License and Permit Renewal and Reinstatement

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to create ch. RAD 7 to specify the requirements for renewal and reinstatement of a license as a radiographer or a limited x-ray machine operator permit.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current rules are silent concerning the requirements for renewal and reinstatement of a license as a radiographer or a limited x-ray machine operator permit. Although s. 462.05, Stats., contain the requirements for renewal of a license or permit, these provisions do not specify the requirements for late renewal or reinstatement of a license or permit that has not been renewed within 5 years when the license or permit holder has unmet disciplinary requirements, or the license or permit has been revoked or surrendered.

The proposed rule would create new policy concerning the requirements for late renewal and reinstatement of a license as a radiographer and a limited x-ray machine operator permit. If the rules are not updated, these requirements will remain unclear.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

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.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

70 hours

6. List with description of all entities that may be affected by the proposed rule:

Individuals applying for late renewal or reinstatement of a license as a radiographer or a limited x-ray machine operator permit.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4472

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

STATE OF WISCONSIN
RADIOGRAPHY EXAMINING BOARD

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

PROPOSED ORDER

An order of the Radiography Examining Board to repeal RAD 5.01 (intro.) and 5.02 (1) and (2); to renumber RAD 5.05 (1) (a); to renumber and amend RAD 5.02 (intro.) and 5.05 (1) (intro.) and (b); to amend RAD 5.01 (1) and (2), 5.03, 5.04, and 5.05 (2); and to create RAD 5.01 (3) to (5), relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.03 (4m), Stats.

Statutory authority: Sections 15.08 (5) (b) and 462.06 (1) (c), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 462.06 (1) (c), Stats., provides the Radiography Examining Board shall promulgate rules that “[e]stablish continuing education standards for renewal of licenses and limited X-ray machine operator permits issued under this chapter.”

Related statute or rule:

None.

Plain language analysis:

Section RAD 5.04 is revised to comply with s. 440.03 (4m), Stats., as created by 2017 Wisconsin Act 59. Under this provision, the Board may require a credential holder to submit proof of completing continuing education programs or courses only if a complaint is made against the credential holder. Other provisions throughout ch. MTBT 5 have been revised to better organize the content of the chapter and ensure consistency with current style and format standards for drafting administrative rules and applicable Wisconsin statutes.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

32 Ill. Admin. Code 401.140 b) 4) to 6) provide the requirements for retention and production of evidence of compliance with the continuing education requirements for renewal of accreditation in the practice of medical radiation technology. All technologists accredited by the Illinois Emergency Management Agency are required to maintain proof of participation in continuing education activities. Technologists seeking renewal are required to attest they have acquired the required number of continuing education credits. Within 30 days after receipt of this attestation, the Agency may perform an audit in which the individual will be asked to provide copies of documentation. Failure to respond to the Agency's audit request or failure to provide acceptable documentation may result in a refusal to renew accreditation.

Iowa:

641 IAC 42.18 provides the requirements for production of evidence of compliance with the continuing education requirements for renewal or reinstatement of a permit to operate ionizing radiation producing machines or administer radioactive materials. A permit holder must either 1) have a current American Registry of Radiologic Technologists (ARRT) or Nuclear Medicine Technology Certification Board (NMTCB) registration that has been renewed within 60 days prior to the submission of a permit renewal application or 2) submit proof of completion of continuing education activities recognized by ARRT or NMTCB or, in the case of a podiatric x-ray equipment operator permit holder, sponsored by the American Podiatric Medical Association or the Iowa Podiatric Medical Society.

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 radiologic technologists who perform mammographic examinations (Mich Admin Code, R 333.5630). The rules require compliance with the continuing education requirements under 21 C.F.R. 900.12(a)(2), "Radiologic technologists" (2000).

A mammography facility is required to maintain records documenting the qualifications of all personnel who work at the facility, including radiologic technologists who perform mammographic examinations. The Department of Licensing and Regulatory Affairs may review these records during an inspection of the facility (Mich Admin Code, R 333.5635).

Minnesota:

Minn. Stat. 144.121, Subd. 5., provides the requirements for practicing as a limited x-ray machine operator. The statutes do not require continuing education.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of ch. RAD 5 to ensure consistency with current style and format standards for drafting administrative rules and applicable Wisconsin statutes.

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

The proposed rules will be 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.

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 Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. RAD 5.01 (intro.) is repealed.

SECTION 2. RAD 5.01 (1) and (2) are amended to read:

RAD 5.01 (1) RADIOGRAPHERS. Radiographers Except as provided under sub. (3), during the 2-year period immediately preceding the renewal date under s. 440.08 (2) (a) 64g., Stats., a radiographer shall complete 24 credit hours of continuing education credit each biennium, except for the first renewal of the permit related to the practice of radiography.

(2) LXMO PERMIT HOLDERS. Except as provided under sub. (3), during the 2-year period immediately preceding the renewal date under s. 440.08 (2) (a) 39m., Stats., an LXMO permit holders holder shall complete 12 credit hours of continuing education credit each biennium, except for the first renewal of the permit related to the practice of radiography.

SECTION 3. RAD 5.01 (3) to (5) are created to read:

RAD 5.01 (3) EXEMPTION FOR NEW LICENSEES AND PERMIT HOLDERS.
Subsections (1) and (2) do not apply to the first renewal following the date a license or permit is initially issued.

(4) CREDIT FOR ARRT CERTIFICATION. The board shall accept active certification from the ARRT or a board-approved successor organization as meeting the requirements under subs. (1) and (2).

(5) RECORDKEEPING. Licensees and permit holders shall maintain records of continuing education credit hours required under subs. (1) and (2) for at least 3 years from the date of the continuing education activity. The records for each continuing education activity shall include all the following:

- (a) The name and address of the sponsor or provider.
- (b) The date, time, and location of the activity.
- (c) A brief statement of the subject matter.
- (d) A program schedule, registration receipt, or certificate of attendance.
- (e) Number of credit hours completed.

SECTION 4. RAD 5.02 (intro.) is renumbered RAD 5.02 and amended to read:

RAD 5.02 ~~Verification~~ Certification of compliance. A licensee or permit holder shall, at the time of making application for renewal of a license or permit ~~under this chapter~~, sign a statement on the application for renewal ~~verifying that the licensee or permit holder has satisfied~~ certifying the continuing education ~~requirement~~ requirements under s. RAD 5.01 (1) or (2) have been satisfied.

SECTION 5. RAD 5.02 (1) and (2) are repealed.

SECTION 6. RAD 5.03 and 5.04 are amended to read:

RAD 5.03 ~~Approved providers.~~ Approved providers. ~~For purposes of this chapter approved~~ The board accepts providers of continuing education courses ~~are those recognized by the American Registry of Radiologic Technologists ARRT or a board-approved successor organization deemed acceptable to the board.~~

RAD 5.04 ~~Audit.~~ Audit. The board shall ~~conduct a random~~ audit for compliance with the requirements of under this chapter at least every 6 years and require any licensee or permit holder to produce evidence of compliance with the continuing education requirements any licensee or permit holder who is under investigation by the board for alleged misconduct.

SECTION 7. RAD 5.05 (1) (intro.) is renumbered RAD 5.05 (1) and amended to read:

RAD 5.05 (1) A credential holder may, based on hardship or other extenuating circumstances, request ~~prior to the renewal date~~ a full or partial waiver or postponement of the continuing education ~~requirement on the basis of a hardship~~ requirements under s. RAD 5.01 (1) or (2). The request shall be submitted to the board prior to the applicable renewal date and include a statement describing the reason for the waiver or postponement request.

SECTION 8. RAD 5.05 (1) (a) is renumbered RAD 5.05 (1g).

SECTION 9. RAD 5.05 (1) (b) is renumbered RAD 5.05 (1r) and amended to read:

RAD 5.05 (1r) ~~Hardship is defined as an inability to complete the continuing education requirements because of~~ In this section, “hardship” means full-time military service during a substantial part of the biennium; 2-year period immediately preceding the renewal date or an incapacitating medical infirmity documented by a licensed health care provider; or other extenuating circumstances deemed sufficient to grant the waiver or postponement.

SECTION 10. RAD 5.05 (2) is amended to read:

RAD 5.05 (2) ~~A person credential holder who submits a request for a waiver or postponement prior to the renewal date under sub. (1) may renew the credential with the approval of the board's designee if the board is unable to reach a decision~~ act on the request prior to the renewal date.

SECTION 11. 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.

(END OF TEXT OF RULE)

Chapter RAD 5 CONTINUING EDUCATION

RAD 5.01 Continuing education requirements. ~~Every licensed radiographer and LXMO permit holder shall complete continuing education relevant to the practice of radiography as a condition of the renewal of the license or permit:~~

- ~~(1) RADIOGRAPHERS. Radiographers Except as provided under sub. (3), during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a) 64g., Stats., a radiographer shall complete 24 credit hours of continuing education credit each biennium, except for the first renewal of the permit related to the practice of radiography.~~
- ~~(2) LXMO PERMIT HOLDERS. Except as provided under sub. (3), during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a) 39m., Stats., an LXMO permit holders holder shall complete 12 credit hours of continuing education credit each biennium, except for the first renewal of the permit related to the practice of radiography.~~
- ~~(3) EXEMPTION FOR NEW LICENSEES AND PERMIT HOLDERS. Subsections (1) and (2) do not apply to the first renewal following the date a license or permit is initially issued.~~
- ~~(4) CREDIT FOR ARRT CERTIFICATION. The board shall accept active certification from the ARRT or a board-approved successor organization as meeting the requirements under subs. (1) and (2).~~
- ~~(5) RECORDKEEPING. Licensees and permit holders shall maintain records of continuing education credit hours required under subs. (1) and (2) for at least 3 years from the date of the continuing education activity. The records for each continuing education activity shall include all the following:
 - ~~(a) The name and address of the sponsor or provider.~~
 - ~~(b) The date, time, and location of the activity.~~
 - ~~(c) A brief statement of the subject matter.~~
 - ~~(d) Program schedules, registration receipts, or certificates of attendance.~~
 - ~~(e) Number of credit hours completed.~~~~

RAD 5.02 Verification Certification of compliance. A licensee or permit holder shall, at the time of making application for renewal of a license or permit ~~under this chapter~~, sign a statement on the application ~~for renewal verifying that the licensee or permit holder has satisfied~~ certifying the continuing education ~~requirement~~ requirements under s. RAD 5.01 (1) or (2) have been satisfied.

- ~~(1) A person who submits evidence of an active registration of the ARRT certificate, or a board-approved successor organization, shall be deemed to satisfy the continuing education requirement under this chapter.~~
- ~~(2) License or permit holders shall maintain records of continuing education hours for at least 3 years from the date of the continuing education activity. The recordkeeping shall include the following:
 - ~~(a) The name and address of the sponsor or provider.~~
 - ~~(b) The date, time and location of the activity.~~
 - ~~(c) A brief statement of the subject matter.~~
 - ~~(d) Program schedules, registration receipts or certificate of attendance.~~
 - ~~(e) Number of continuing credit hours attended in each program.~~~~

RAD 5.03 Approved providers. ~~For purposes of this chapter approved~~ The board accepts providers of continuing education courses ~~are those~~ recognized by the American Registry of Radiologic Technologists ARRT or a board-approved successor organization ~~deemed acceptable to the board.~~

RAD 5.04 Audit. The board shall ~~conduct a random~~ audit for compliance with the requirements ~~of under~~ this chapter ~~at least every 6 years and require any licensee or permit holder to produce evidence of compliance with the continuing education requirements~~ any licensee or permit holder who is under investigation by the board for alleged misconduct.

RAD 5.05 Waiver or postponement.

- (1) A credential holder may based on hardship or other extenuating circumstances, request ~~prior to the renewal date~~ a full or partial waiver or postponement of the continuing education ~~requirement on the basis of a hardship~~ requirements under s. RAD 5.01 (1) or (2). The request shall be submitted to the board prior to the applicable renewal date and include a statement describing the reason for the waiver or postponement request.
- ~~(a)~~ (1g) The board may grant a full or partial waiver or postponement upon a finding that hardship or cause has been shown or may request further information from the applicant.
- ~~(b)~~ (1r) ~~Hardship is defined as an inability to complete the continuing education requirements because of~~ In this section, "hardship" means full-time military service during a substantial part of the ~~biennium; 2-year period immediately preceding the renewal date or~~ an incapacitating medical infirmity documented by a licensed health care provider; ~~or other extenuating circumstances deemed sufficient to grant the waiver or postponement.~~
- (2) A ~~person~~ credential holder who submits a request for a waiver or postponement ~~prior to the renewal date under sub. (1)~~ may renew the credential with the approval of the board's designee if the board is unable to ~~reach a decision~~ act on the request prior to the renewal date.

on which the petition and proposed rule were submitted to the committee.

3. Following receipt of the petition and proposed rule submitted by the legislative council staff under subd. 2., the joint committee for review of administrative rules shall review the petition and proposed rule and may do any of the following:

a. Approve the agency's petition if the committee determines that the proposed rule would repeal an unauthorized rule.

b. Deny the agency's petition.

c. Request that the agency make changes to the proposed rule and resubmit the petition and proposed rule under subd. 1.

4. The committee shall inform the agency in writing of its decision as to the petition.

(c) If the joint committee for review of administrative rules approves a petition to repeal an unauthorized rule as provided in par. (b) 3. a., the agency shall promulgate the proposed rule by filing a certified copy of the rule with the legislative reference bureau under s. 227.20, together with a copy of the committee's decision.

SECTION 7. 227.29 of the statutes is created to read:

227.29 Agency review of rules and enactments. (1)

By March 31 of each odd-numbered year, each agency with any rules published in the code shall submit a report to the joint committee for review of administrative rules listing all of the following rules promulgated or otherwise administered by that agency:

(a) Unauthorized rules, as defined in s. 227.26 (4) (a), together with a description of the legislation that eliminated the agency's authority to promulgate any such rule.

(b) Rules for which the authority to promulgate has been restricted, together with a description of the legislation that restricted that authority.

(c) Rules that are obsolete or that have been rendered unnecessary, together with a description of why those rules are obsolete or have been rendered unnecessary.

(d) Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction, together with a citation to or the text of any such statute, regulation, or ruling.

(e) Rules that the agency determines are economically burdensome.

(2) The report under sub. (1) shall also include all of the following:

(a) A description of the agency's actions, if any, to address each rule listed in the report. If the agency has not taken any action to address a rule listed in the report, the agency shall include an explanation for not taking action.

(b) A description of the status of each rule listed in the previous year's report not otherwise listed.

(c) If the agency determines that there is no rule as described under sub. (1) (a), (b), (c), (d), or (e), a statement of that determination.

(3) If an agency identifies an unauthorized rule under sub. (1) (a) and is not otherwise in the process of promulgating a rule that repeals the unauthorized rule, the agency shall, within 30 days after the agency submits the report, submit a petition to the legislative council staff under s. 227.26 (4) (b) 1. to repeal the unauthorized rule if the agency has not previously done so.

(4) (a) In this subsection, "enactment" means an act or a portion of an act that is required to be published under s. 35.095 (3) (a).

(b) Each agency shall review enactments to determine whether any part of an enactment does any of the following:

1. Eliminates or restricts the agency's authority to promulgate any rules promulgated or otherwise administered by that agency.

2. Renders any rules promulgated or otherwise administered by that agency obsolete or unnecessary.

3. Renders, for any reason, any rules promulgated or otherwise administered by that agency not in conformity with or superseded by a state statute, including due to statutory numbering or terminology changes in the enactment.

4. Requires or otherwise necessitates rule making by the agency.

(c) If an agency determines that any consequence specified in par. (b) 1. to 4. results from an enactment or part of an enactment, within 6 months after the applicable effective date for the enactment or part of the enactment, the agency shall do one or more of the following, as applicable, to address the consequence identified by the agency and notify the joint committee for review of administrative rules of its action:

1. Submit a statement of the scope of a proposed rule under s. 227.135 (2), unless the enactment requires otherwise or unless the agency submits a notice to the committee explaining why it is unable to submit the statement of scope within that time period and an estimate of when the agency plans to submit the statement of scope.

2. In the case of an affected rule that the agency determines is an unauthorized rule, as defined in s. 227.26 (4) (a), submit a petition to the legislative council staff under s. 227.26 (4) (b) 1.

3. In the case of a consequence specified under par. (b) 3. that can be addressed by the legislative reference bureau using its authority under s. 13.92 (4) (b), submit a request to the legislative reference bureau to use that authority.

SECTION 8. Initial applicability.

(1) The treatment of section 227.29 (4) of the statutes first applies to enactments published by the legislative

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Donald Borst, Chair, Radiography Examining Board		2) Date When Request Submitted: 3/30/2018 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Radiography Examining Board			
4) Meeting Date: 8/1//2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Application Matter – License Verifications	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: <u>March 30 email from Don Borst:</u> “I have been contacted by an individual that has been licensed in several states and now is wanting to work in Wisconsin. There is a facility that has hired her but if she does not obtain her Wisconsin license in the next 2 weeks, they will have to let her go. She has been trying to obtain a Wisconsin License for a little over a month and the hold is not due to anything under her control. in reviewing the form, I noticed that if a person is applying for a Wisconsin license and has been licensed by another state, they must have the issuing state send documentation of the licensing to the state of Wisconsin. it must come directly from the state’s license issuing agency. The individual cannot provide the documentation (i.e. a copy of their license card). In addition, the applicant must also provide a copy of their American Registry of Radiologic Technologists certification pocket card. Whereas, an applicant from a non-licensing state, only needs to provide a copy of their American Registry of Radiologic Technologists certification pocket card. I believe this puts a person that has worked in a licensing state at a disadvantage as some state departments are very slow to respond to these requests. In addition, this individual has been licensed in 3 states. The hold up on her Wisconsin license is that one of the states has not released her information to Wisconsin.” <u>Additional comment from Tamie Buckingham, DSPS Credentialing staff person:</u>			

“Each applicant new graduate or someone applying from another state is required to give us a copy of their current ARRT Pocket Card. With this card we look them up on the ARRT Verification site.

For those who have been granted a number in order to practice as a Radiographer in another state, current, or expired, they need to send Form #2907 to the state Board or agency for them to verify the license directly back to DSPS.”

11)	Authorization
Signature of person making this request	Date
Supervisor (if required)	Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)	Date