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**VIRTUAL/TELECONFERENCE  
RADIOGRAPHY EXAMINING BOARD  
Virtual, 4822 Madison Yards Way, Madison  
Contact: Tom Ryan (608) 266-2112  
March 9, 2022**

*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 November 10, 2021 (4-6)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Annual Policy Review **(7-10)**
  - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(11-18)**
  - 4) 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 (19)**
  - 1) Adoption Orders:
    - a. RAD 1 and 4, Relating to Scope of Practice **(20-24)**
    - b. RAD 1 and 3, Relating to Requirements for Licenses and Permits **(25-29)**
  - 2) Pending or Possible Rulemaking Projects **(30)**
- 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. 21 RAD 006 – M.J.S. (31-32)

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: JULY 27, 2022**

**VIRTUAL/TELECONFERENCE  
RADIOGRAPHY EXAMINING BOARD  
Virtual, 4822 Madison Yards Way, Madison  
Contact: Tom Ryan (608) 266-2112  
March 9, 2022**

**RADIOGRAPHY EXAMINING BOARD  
2021 WISCONSIN PUBLIC RECORDS LAW FACILITATED TRAINING  
9:30 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

A quorum of the Radiography Examining Board may be present; however, no board business will be conducted.

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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.

**VIRTUAL/TELECONFERENCE  
RADIOGRAPHY EXAMINING BOARD  
MEETING MINUTES  
NOVEMBER 10, 2021**

**PRESENT:** Donald Borst, Paul Grebe, Rachael Julson, Timothy Szczykutowicz

**EXCUSED:** Heidi Nichols

**STAFF:** Tom Ryan, Executive Director; Jon Derenne, Legal Counsel; Nilajah Hardin, Rule Coordinator; Katlin Schwartz, Bureau Assistant; Megan Glaeser, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Donald Borst, Chairperson, called the meeting to order at 9:01 a.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

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

**APPROVAL OF MINUTES OF JULY 28, 2021**

**MOTION:** Rachael Julson moved, seconded by Paul Grebe, to approve the Minutes of July 28, 2021 as published. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Adoption Order: RAD 7, Relating to Requirements for License and Permit Renewal and Reinstatement**

**MOTION:** Donald Borst moved, seconded by Rachael Julson, to approve the Adoption Order for Clearinghouse Rule 21-003 on RAD 7, relating to Requirements for License and Permit Renewal and Reinstatement. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Timothy Szczykutowicz moved, seconded by Rachael Julson, 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.). Donald Borst, Chairperson, 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; Paul Grebe-yes; Rachael Julson-yes; and Timothy Szczykutowicz -yes. Motion carried unanimously.

The Board convened into Closed Session at 9:14 a.m.

## DELIBERATION ON DLSC MATTERS

### Administrative Warnings

**MOTION:** Rachael Julson moved, seconded by Donald Borst, to issue an Administrative Warning in the matter of the following DLSC Cases:

1. 20 RAD 011 – C.J.B.
2. 20 RAD 012 – J.M.G.

Motion carried unanimously.

### Case Closings

**MOTION:** Rachael Julson moved, seconded by Donald Borst, to close the following DLSC Cases for the reasons outlined below:

1. 20 RAD 004 – Unknown – No Violation
2. 21 RAD 002 – A.M.B. – No Violation

Motion carried unanimously.

### Proposed Stipulations and Final Decisions and Orders

#### *20 RAD 001 – Melissa L. Shutter, R.T.R.*

**MOTION:** Donald Borst moved, seconded by Timothy Szczykutowicz, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Melissa L. Shutter, R.T.R., DLSC Case Number 20 RAD 001. Motion carried unanimously.

### Monitoring Matters

#### *Stephanie Rouse – Requesting to Reduce Testing*

**MOTION:** Rachael Julson moved, seconded by Paul Grebe, to grant the request of Stephanie Rouse for a reduction in the frequency of drug and alcohol screens to twenty-eight (28) plus an annual hair test per year. Motion carried unanimously.

#### **RECONVENE TO OPEN SESSION**

**MOTION:** Paul Grebe moved, seconded by Rachael Julson, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened in Open Session at 9:42 a.m.

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

**MOTION:** Timothy Szczykutowicz moved, seconded by Rachael Julson, 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 9:45 a.m.

DRAFT

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Division of Policy Development Executive Directors		<b>2) Date when request submitted:</b> 12/13/2021 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> All Boards			
<b>4) Meeting Date:</b> First Meeting of 2022	<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> Annual Policy Review	
<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> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> <li>1. <b>Attendance/Quorum:</b> Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law.</li> <li>2. <b>Walking Quorum:</b> Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law.</li> <li>3. <b>Agenda Deadlines:</b> Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting)</li> <li>4. <b>Travel Voucher and Per Diem Submissions:</b> Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example)</li> <li>5. <b>Lodging Accommodations/Hotel Cancellation Policy:</b> Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time.                         <ul style="list-style-type: none"> <li>• If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate.</li> </ul> </li> <li>6. <b>Inclement Weather Policy:</b> In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely.</li> </ol>			
<b>11) Authorization</b>			
<b>Kimberly Wood</b>		<b>12/13/2021</b>	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

## Timeline of a Meeting

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**8 business days prior to the meeting:** All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

**7 business days prior to the meeting:** The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

**5 business days prior to the meeting:** The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

**4 business days prior to the meeting:** Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

### Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
  - Public Hearings (on Admin Rules)
  - Administrative Matters
  - Legislation and Policy Matters
  - Administrative Rules Matters
  - Credentialing Matters
  - Education and Exam Issues
  - Public Agenda Requests
  - Current Issues Affecting the Profession
  - Public Comments
- Closed Session items
  - Deliberations on Proposed Disciplinary Actions
    - Stipulations
    - Administrative Warnings
    - Case Closings
    - Monitoring Matters
    - Professional Assistance Procedure (PAP) Issues
  - Proposed Final Decisions and Orders
  - Orders Fixing Costs/Matters Relating to Costs
  - Credentialing Matters
  - Education and Exam Issues

**Thursday of the Week Prior to the Meeting:** Agendas are published for public notice on the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).

**1 business day after the Meeting:** "Action" lists are distributed by staff detailing board actions on closed session business.

**5 business days after the Meeting:** "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).



# Department of Safety and Professional Services

## PER DIEM REPORT

**INSTRUCTIONS:** Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

**Purpose Codes:**

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

NAME OF EXAMINING BOARD OR COUNCIL			BOARD OR COUNCIL MEMBER'S NAME	
<b>EXAMPLE EXAMINING BOARD</b>			<b>MARY SUNSHINE</b>	
Activity Date	Duration of Activity	Purpose Code	Where Performed	Activity
MM/DD/YY	Hours/Minutes	A or B	City/Location (Home, Work, DSPS)	Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p><b>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</b></p> <p><b>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</b></p> <p><b>Department staff completes the fields titled "Total Days Claimed".</b></p>
<b>CLAIMANT'S CERTIFICATION</b>			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i>		1/4/2021		
Claimant's Signature	Date	Supervisor	Date	

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**

Safety & Professional Services													
Department/ Division		Example Examining Board				Emp ID		100012345		Z			
State Officer/Employee Name		Mary Sunshine				Address		2424 Happy Road					
Mo/Yr		From/To:		City		State		WI		Zip-Code		53158	
FY	FUND	BUSINESS UNIT	DEPART	APPR CLASS	OBJECT	PROJECT	BALANCE SHEET ACCT	REPORTING CATEGORY	PROJECT NUMBER	AMOUNT			
2021	10000	16500	1651300200	12100	7340000	16500P1<BRD ID>					DEBIT	CREDIT	
				12800		16500P2<TRD ID>							
				22100									
										TOTALS			

Official Business		Travel Points		HDQS-TIME		Personal Vehicle	Lodging	Meals, including tips			Other Allowable Expenses		Total Allowable Expenses	
Date	Purpose of Trip	From	To	Depart	Return	Miles		Morning	Noon	Evening	Item	Amount	Taxable	Non-Taxable
Use	Board Meeting	Home base	Madison	Report times you left		Miles	P-card	\$8.00	\$10.00	\$20.00			Report	Report
separate		Madison	Home base	and returned home if		must be		Maximum in-state amounts					meal cost	meal cost
lines for	You must identify			meals are claimed		split.	Enter		or				here if there	here if there
each leg	the purpose of					Cannot	"P-card"	\$10.00	\$15.00	\$25.00			is NO	IS an
of your	your trip.					place	when hotel	Maximum out-of-state amounts					overnight	overnight
trip.						roundtrip	is provided						stay.	stay.
						total on	by DSPS	Must leave	Must leave	Must return				
						one line.		home	home	home after				
								before	before	7:00 p.m.				
								6:00 a.m.	10:30 a.m.					
									and return					
									home after					
									2:30 p.m.					

**LEGEND:** Staff can fill in these areas.  
Board Member MUST fill in these areas

*Item billed directly to the state agency	<b>Sub-Totals</b>														
										<b>Mileage Costs</b>					
										<b>Miles at</b>		<b>0.510 cents/mile</b>			
										<b>Totals</b>					
										<b>Total Expenditure</b>					
										<b>Less Travel Advance</b>					
										<b>Net Amount Due</b>					

**Claimant's Statement § 16.53 Wisconsin Statutes**

I declare, under penalties, that all claimed travel expenses are true and correct and are in conformity with Wisconsin statute 16.53 and related agreements. This claim represents reasonable and actual expenses necessarily incurred by me personally in the performance of official duties and no portion was previously reimbursed to me by the State or any other source.

I certify that all expenses on this voucher conform to statutory, departmental or applicable collective bargaining provisions, and were necessary in the official performance of duties required by the State. Expenditures are determined to be reasonable and proper, and that sufficient funds are available to pay this claim.

Date \_\_\_\_\_ Claimant's Signature \_\_\_\_\_

I certify that this travel claim is reasonable, proper, and in conformity with applicable statutes, travel schedule amounts, and/or collective bargaining agreements.

\_\_\_\_\_  
Agency Head or Authorized Representative

Date \_\_\_\_\_ Supervisor's Signature \_\_\_\_\_

Audited in accordance with S. 16.53 Wisconsin Statutes and allowed by the provisions of chapter 20.

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Katlin Schwartz, Bureau Assistant		<b>2) Date when request submitted:</b> 12/14/2021 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> 3/9/2022	<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 Matters <ul style="list-style-type: none"> <li>• Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities</li> </ul>									
<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> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A									
<b>10) Describe the issue and action that should be addressed:</b> 1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations.											
<b>11) Authorization</b> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;">Katlin Schwartz</td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;">12/14/2021</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (Only required for post agenda deadline items)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Executive Director signature (Indicates approval for post agenda deadline items)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> </table>				Katlin Schwartz	12/14/2021	Signature of person making this request	Date	Supervisor (Only required for post agenda deadline items)	Date	Executive Director signature (Indicates approval for post agenda deadline items)	Date
Katlin Schwartz	12/14/2021										
Signature of person making this request	Date										
Supervisor (Only required for post agenda deadline items)	Date										
Executive Director signature (Indicates approval for post agenda deadline items)	Date										
<b>Directions for including supporting documents:</b> 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 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.											

## RADIOGRAPHY EXAMINING BOARD

### 2021 Elections and Liaison Appointments

ELECTION RESULTS	
<b>Chairperson</b>	Donald Borst
<b>Vice Chairperson</b>	Rachael Julson
<b>Secretary</b>	Heidi Nichols

LIAISON APPOINTMENTS	
<b>Credentialing Liaison(s)</b>	Donald Borst <i>Alternate: Tim Szczykutowicz</i>
<b>Education and Examinations Liaison(s)</b>	Heidi Nichols <i>Alternate: Donald Borst</i>
<b>Monitoring Liaison(s)</b>	Heidi Nichols <i>Alternate: Paul Grebe</i>
<b>Professional Assistance Procedure (PAP) Liaison(s)</b>	Donald Borst <i>Alternate: Paul Grebe</i>
<b>Legislative Liaison(s)</b>	Donald Borst <i>Alternate: Heidi Nichols</i>
<b>Travel Liaison</b>	Donald Borst <i>Alternate: Tim Szczykutowicz</i>
<b>Practice Question Liaison(s)</b>	Heidi Nichols <i>Alternate: Donald Borst</i>
<b>Rules Liaison(s)</b>	Donald Borst <i>Alternate: Rachael Julson</i>
<b>Website Liaison</b>	Donald Borst
<b>Screening Panel</b>	Donald Borst, Rachael Julson <i>Alternate: Heidi Nichols</i>

#### Delegation of Authorities

##### *Document Signature Delegations*

**MOTION:** Rachael Julson moved, seconded by Paul Grebe, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** Heidi Nichols moved, seconded by Rachael Julson, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

*Delegated Authority for Urgent Matters*

**MOTION:** Donald Borst moved, seconded by Paul Grebe, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, 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.

*Delegation to Chief Legal Counsel Due to Lack/Loss of Quorum*

**MOTION:** Donald Borst moved, seconded by Rachael Julson, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

*Monitoring Delegations*

**Delegation of Authorities for Monitoring**

**MOTION:** Heidi Nichols moved, seconded by Donald Borst, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the March 10, 2021 agenda materials on pages 26-27. Motion carried unanimously.

**Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** Donald Borst moved, seconded by Timothy Szczykutowicz, to delegate to Board Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

*Credentialing Authority Delegations*

**Delegation of Authority to Credentialing Liaison (Denial Decisions)**

**MOTION:** Donald Borst moved, seconded by Timothy Szczykutowicz, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to

credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

**Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** Heidi Nichols moved, seconded by Rachael Julson, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

**Delegation of Authority for Predetermination Reviews**

**MOTION:** Donald Borst moved, seconded by Timothy Szczykutowicz, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

**Delegation of Authority for Conviction Reviews**

**MOTION:** Donald Borst moved, seconded by Rachael Julson, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of radiography. Motion carried unanimously.

**Delegation to DSPS When Applicant's History Has Been Previously Reviewed**

**MOTION:** Rachael Julson moved, seconded by Donald Borst, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous radiography credential and there is no new conviction record. Motion carried unanimously.

**Delegated Authority for Application Denial Reviews**

**MOTION:** Donald Borst moved, seconded by Heidi Nichols, that the Department's Attorney Supervisors are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

***Pre-Screening Delegation to Open Cases***

**MOTION:** Heidi Nichols moved, seconded by Rachael Julson, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.

3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

#### ***Pre-Screening Delegation to Close Cases***

**MOTION:** Donald Borst moved, seconded by Heidi Nichols, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

#### ***Voluntary Surrenders***

**MOTION:** Heidi Nichols moved, seconded by Donald Borst, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

#### ***Education and Examination Liaison(s) Delegation***

**MOTION:** Rachael Julson moved, seconded by Paul Grebe, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education and examinations. Motion carried unanimously.

#### ***Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies***

**MOTION:** Donald Borst moved, seconded by Paul Grebe, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

#### ***Optional Renewal Notice Insert Delegation***

**MOTION:** Donald Borst moved, seconded by Timothy Szczykutowicz, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) 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(s) Delegation***

**MOTION:** Rachael Julson moved, seconded by Heidi Nichols, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

***Travel Liaison(s) Delegation***

**MOTION:** Donald Borst moved, seconded by Timothy Szczykutowicz, to delegate authority to the Travel Liaison(s) to approve any board member travel. Motion carried unanimously.

***Website Liaison(s) Delegation***

**MOTION:** Timothy Szczykutowicz moved, seconded by Donald Borst, to delegate authority to the Website Liaison(s) to act on behalf of the Board regarding website updates. Motion carried unanimously.

***Administrative Rules Liaison(s) Delegation***

**MOTION:** Heidi Nichols moved, seconded by Rachael Julson, to delegate authority to the Administrative Rules Liaison(s) to address all rulemaking as related to drafting and making recommendations to the full Board. Motion carried unanimously.



## **Roles and Authorities Delegated for Monitoring**

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

### **Authorities Delegated to the Monitoring Liaison**

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
8. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
9. Grant or deny a request to appear before the Board/Section in closed session.
10. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
11. *(Except Pharmacy and Medical)* Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

12. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
  - a. Initial: 49 screens (including 1 hair test, if required by original order)
  - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
  - c. 2nd Reduction: 28 screens plus 1 hair test
  - d. 3rd Reduction: 14 screens plus 1 hair test
13. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
14. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

### **Authorities Delegated to the Department Monitor**

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

- 1) Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
- 2) Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
- 3) Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
- 4) **Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval.**

### **Authorities Delegated to Board Legal Counsel**

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.
-

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Dana Denny		<b>2) Date when request submitted:</b> February 25, 2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> Radiography Examining Board			
<b>4) Meeting Date:</b> March 9, 2022	<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 Orders a. RAD 1 and 4, Relating to Scope of Practice b. RAD 1 and 3, Relating to Requirements for Licenses and Permits 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> None	
<b>10) Describe the issue and action that should be addressed:</b>  Attachments: <ul style="list-style-type: none"> <li>• Adoption Order – RAD 1 and 4, Scope of Practice</li> <li>• Adoption Order – RAD 1 and 3, Requirements for Licenses and Permits</li> <li>• Radiography Rule Projects Chart</li> </ul> Copies of current Board Rule Projects Can be Viewed Here: <a href="https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx">https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx</a>			
<b>11) Authorization</b>			
Dana Denny		02/25/2022	
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			
<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 21-054)

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ORDER

An order of the Radiography Examining Board to amend RAD 4.01 (1) and 4.02 (1); and to repeal and recreate RAD 4.01 (2) and 4.02 (2), relating to scope of practice.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 462.02, 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:** Chapter 462, Stats., and chs. RAD 1, 2, 3, 5, and 6.

**Plain language analysis:**

The scope of practice standards for radiographers and limited X-ray machine operators in current rules are a reproduction of the standards for scope of practice established by the American Society of Radiologic Technologists (ASRT) in 2017. ASRT periodically updates its standards, most recently in 2019. The proposed rule updates the scope of practice standards in ss. RAD 4.01 and 4.02 to be a reproduction of the standards for scope of practice established by the ASRT in 2019.

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

**Comparison with rules in adjacent states:**

**Illinois:** Illinois Administrative Code (32 Ill. Admin. Code 401) provides for accreditation in the practice of medical radiation technology in Illinois, but 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 standards established by the American Society of Radiologic Technologists.

**Iowa:** Iowa Administrative Code (641 IAC 42) provides for permits to operate ionizing radiation producing machines or administer radioactive materials in Iowa, but 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 (641 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 (641 IAC 42.9). The rules do not reference the standards established by the American Society of Radiologic Technologists.

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

**Minnesota:** Minnesota Statutes (2020 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 standards established by the American Society of Radiologic Technologists.

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

The proposed rules update the scope of practice of radiographers and limited X-ray machine operators to align with the current standards for scope of practice established by the American Society of Radiologic Technologists. No additional factual data or analytical methodologies were used to develop the proposed rules.

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

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 are 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, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

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TEXT OF RULE

SECTION 1. RAD 4.01 (1) is amended to read:

**RAD 4.01 (1) GENERAL SCOPE OF PRACTICE.** The practice of a radiographer involves the performance of radiography and radiographic procedures and related techniques to produce images for the interpretation by, or at the request of, a licensed ~~independent~~ practitioner. Radiographers perform the radiographic examination to create the images needed for medical diagnosis and apply scientific knowledge, technical skills, patient interaction, and care necessary to obtain diagnostic information. Radiographers may apply radiation to any part of the human body, and may administer contrast agents and related substances for diagnostic purposes.

SECTION 2. RAD 4.01 (2) is repealed and recreated to read:

**RAD 4.01 (2) APPLICABLE STANDARDS.** The scope of practice of a licensed radiographer includes all of the following, as defined in the ASRT Practice Standards for Medical Imaging and Radiation Therapy, 2019 American Society of Radiologic Technologists:

- (a) Administering medications parenterally through new or existing vascular access, enterally or through other appropriate routes as prescribed by a licensed practitioner.
- (b) Administering medications with an infusion pump or power injector as prescribed by a licensed practitioner.
- (c) Applying principles of ALARA to minimize exposure to patient, self, and others.
- (d) Applying principles of patient safety during all aspects of patient care.
- (e) Assisting in maintaining medical records, respecting confidentiality and established policy.
- (f) Corroborating a patient’s clinical history with procedure and ensuring information is documented and available for use by a licensed practitioner.
- (g) Educating and monitoring students and other health care providers.
- (h) Evaluating images for proper positioning and determining if additional images will improve the procedure or treatment outcome.
- (i) Evaluating images for technical quality and ensuring proper identification is recorded.
- (j) Identifying and responding to emergency situations.

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

(l) Performing ongoing quality assurance activities.

(m) Performing venipuncture as prescribed by a licensed practitioner.

(n) Postprocessing data.

(o) Preparing patients for procedures.

(p) Providing education.

(q) Providing optimal patient care.

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

(s) Selecting the appropriate protocol and optimizing technical factors while maximizing patient safety.

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

(u) Verifying archival storage of data.

(v) Verifying informed consent for applicable procedures.

(w) Assisting the licensed practitioner with fluoroscopic and specialized radiologic procedures.

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

SECTION 3. RAD 4.02 (1) is amended to read:

**RAD 4.02 (1) GENERAL SCOPE OF PRACTICE.** The LXMO performs radiographic procedures and related techniques within the practice of radiography under the supervision of a licensed ~~radiography~~ radiographer or other health care provider, consistent with the LXMO's limited scope education, training, and examination.

SECTION 4. RAD 4.02 (2) is repealed and recreated to read:

**RAD 4.02 (2) APPLICABLE STANDARDS.** The scope of practice of an LXMO includes all of the following, as defined in the ASRT Practice Standards for Medical Imaging and Radiation Therapy, 2019 American Society of Radiologic Technologists:

(a) Applying principles of ALARA to minimize exposure to patient, self, and others.

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

(c) Assisting in maintaining medical records, respecting confidentiality and established policy.

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

- (e) Evaluating images for proper positioning and determining if additional images will improve the procedure or treatment outcome.
- (f) Evaluating images for technical quality and ensuring proper identification is recorded.
- (g) Identifying and responding to emergency situations.
- (h) Performing ongoing quality assurance activities.
- (i) Postprocessing data.
- (j) Preparing patients for procedures.
- (k) Providing education.
- (L) Providing optimal patient care.
- (m) Selecting the appropriate protocol and optimizing technical factors while maximizing patient safety.
- (n) Verifying archival storage of data.
- (o) Assisting a licensed practitioner or radiographer during static radiographic procedures.
- (p) Performing diagnostic radiographic procedures, as prescribed by a licensed practitioner, of a specific area of anatomical interest based on limited education, training, and licensure or certification within the individual's scope of practice.

SECTION 5. 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



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 21-048)

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ORDER

An order of the Radiography Examining Board to **repeal** RAD 2.06 and 3.06; to **amend** RAD 2.05 (2), 3.01, 3.04, 3.05, and 3.07 (intro.) and (1) to (3); to **repeal and recreate** RAD 2.04; and to **create** RAD 2.01 (Note), 3.01 (Note), and 3.065, relating to requirements for licenses and permits.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Sections 440.09 and 462.06 (1) (a) and (b), Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 440.09 (5), and 462.06 (1) (a) and (b), Stats.

**Explanation of agency authority:**

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

Section 440.09 (5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Section 462.06 (1) (a), Stats., provides the Radiography Examining Board shall promulgate rules that “[e]stablish standards for courses of study in radiography.”

Section 462.06 (1) (b), Stats., provides the Radiography Examining Board shall promulgate rules that “[e]stablish standards for examinations under s. 462.03 (2) and (3).”

**Related statute or rule:**

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

**Plain language analysis:**

The Radiography Examining Board conducted an evaluation of chs. RAD 2 and 3 to ensure consistency with current licensing and permitting practices, applicable Wisconsin

statutes, and standards for drafting administrative rules. As a result, updates have been made to do all of the following:

- Create provisions under ss. RAD 2.04 and 3.065 to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.
- Revise ss. RAD 2.05 (2) and 3.07 (2) to reflect ss. 111.321, 111.322, and 111.335, Stats., which provide the circumstances under which a licensing agency may refuse to license an individual on the basis of the individual's arrest or conviction record.
- Repeal ss. RAD 2.06 and 3.06, which are no longer necessary as they contain requirements for applications filed prior to March 1, 2012.
- Make other changes to chs. RAD 2 and 3 to ensure consistency with current standards for drafting administrative rules.

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

**Comparison with rules in adjacent states:**

**Illinois:** Administrative rules of the Illinois Emergency Management Agency establish educational standards and an accreditation program applicable to persons who apply ionizing radiation to human beings (32 Ill. Admin. Code 401). The requirements for accreditation in the practice of medical radiation technology include minimum standards of preparatory education and experience, and examination requirements for certain categories of accreditation.

The Illinois Statutes provide for the expedited accreditation of service members and their spouses (20 ILCS 5/5-715). "Service member" includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

**Iowa:** Administrative rules of the Iowa Department of Public Health specify the permit requirements of individuals who operate or use ionizing radiation producing machines or administer radioactive materials on or to human patients or human research subjects for diagnostic or therapeutic purposes (641 IAC 42). The requirements for each specific class of permit include minimum formal education standards and an examination.

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

**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 that radiologic technologists who perform mammographic examinations are required by rule (Mich Admin Code, R 333.5630) to be in compliance with the requirements under 21 CFR 900.12 (a) (2), "Radiologic technologists" (2000).

**Minnesota:** Although the State of Minnesota does not license individuals who operate x-ray equipment, the Minnesota Statutes provide that an individual may not operate x-ray equipment unless the individual has passed an approved national examination for limited x-ray machine operators (Minn. Stat. 144.121, Subd. 5.).

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

The proposed rules were developed by evaluating and updating chs. RAD 2 and 3 to ensure consistency with current licensing and permitting practices, applicable Wisconsin statutes, and standards for drafting administrative rules.

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

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 are 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, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

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TEXT OF RULE

SECTION 1. RAD 2.01 (Note) is created to read:

**RAD 2.01 (Note)** An application 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. RAD 2.04 is repealed and recreated to read:

**RAD 2.04 Licensure by endorsement and reciprocity. (1)** Except as provided under sub. (2), an individual holding a radiographer license in another state or U.S. territory may obtain a license under this chapter by endorsement if the individual submits all of the following:

- (a) An application on a form provided by the board.
- (b) The fee required under s. 440.05 (2), Stats.

(c) Verification of active certification as a radiologic technologist from the ARRT.

(d) Verification of all credentials the individual holds or has held in another state or jurisdiction. Verification of a credential shall be submitted directly from the credentialing authority to the board.

(2) A reciprocal radiographer license shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this subsection.

**Note:** Applications for licensure by endorsement or reciprocity 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 3. RAD 2.05 (2) is amended to read:

**RAD 2.05 (2)** ~~Conviction~~ Subject to ss. 111.321, 111.322, and 111.335, Stats., conviction of an offense under s. 940.22, 940.225, 944.15, 944.17, 944.30, 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09, 948.095 or 948.10, Stats., or a comparable offense under federal law or state law, or any crime the circumstances of which substantially relate to the practice of radiography.

SECTION 4. RAD 2.06 is repealed.

SECTION 5. RAD 3.01 is amended to read:

**RAD 3.01 Application.** The board shall grant a permit to practice as ~~a~~ an LXMO to a person who meets the minimum requirements for a permit in s. 462.03 (1) and (3), Stats.

SECTION 6. RAD 3.01 (Note) is created to read:

**RAD 3.01 (Note)** An application 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 7. RAD 3.04 and 3.05 are amended to read:

**RAD 3.04 Notice of examination results.** All applicants for ~~a~~ an LXMO permit shall receive a passing grade determined by the board to represent the minimum competence to practice. The board may accept the passing grade recommendation of an approved testing agency.

**3.05 Re-examination.** A person who fails to achieve passing grades on the examinations required under this chapter may reapply for reexamination on forms provided by the department. No applicant may make more than 3 attempts to pass the examination within any ~~12-month~~ 12-month period. A re-examination fee specified by the department shall be paid for each examination.

SECTION 8. RAD 3.06 is repealed.

SECTION 9. RAD 3.065 is created to read:

**RAD 3.065 Reciprocal permits.** A reciprocal LXMO permit shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

**Note:** An application for a reciprocal permit 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 10. RAD 3.07 (intro.) and (1) to (3) are amended to read:

**RAD 3.07 (intro.)** The ~~Board~~ board may deny an application for a an LXMO permit on the basis of any of the following:

(1) Termination from any employment related to the practice of a an LXMO for reasons of negligence or incompetence.

(2) ~~Conviction~~ Subject to ss. 111.321, 111.322, and 111.335, Stats., conviction of an offense under s. 940.22, 940.225, 944.15, 944.17, 944.30, 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09, 948.095, or 948.10, Stats., or a comparable offense under federal law or state law, or any crime the circumstances of which substantially relate to the practice of radiography.

(3) Any encumbrances including surrender, suspension, revocation, limitation, or reprimand of a an LXMO permit by another credentialing body.

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.

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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 02/25/22)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/ Summary	Current Stage	Next Step
21-054	141-20	05/02/2023	<b>RAD 1 and 4</b>	<b>Scope of Practice/</b> Updates scope of practice standards for radiographers and limited x-ray machine operators in ch. RAD 4 to reference current standards set by the American Society of Radiologic Technologists (ASRT).	Adoption Order Presented at 03/09/2022 Meeting	Submission for Publication; Anticipated Rule Effective Date: 05/01/2022
21-048	100-19	04/07/2022	<b>RAD 2 and 3</b>	<b>Requirements for Licenses and Permits/</b> Comprehensive evaluation and updates of chs. RAD 2 and 3 to remove obsolete references and ensure consistency with current licensing and permitting practices, applicable WI statutes, and drafting standards. Addresses items identified on Board's 2019 Act 108 Report.	Adoption Order Presented at 03/09/2022 Meeting	Submission for Publication; Anticipated Rule Effective Date: 05/01/2022
21-006	021-19	09/04/2021	<b>RAD 7</b>	<b>Requirements for License and Permit Renewal and Reinstatement/</b> Specifies 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.	Rule Effective	