



**VIRTUAL/TELECONFERENCE
RADIOGRAPHY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
November 8, 2023**

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

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of July 26, 2023 (4-5)**
- C. Introductions, Announcements, and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Berumen, Blas R. – 7/1/2024
 - b. Borst, Donald A. – 7/1/2025
 - c. Grebe, Paul J. – 7/1/2027
 - d. Julson, Rachael S. – 7/1/2024
 - e. Szykutowicz, Timothy P. – 7/1/2024
- F. Administrative Rule Matters – Discussion and Consideration (6-9)**
 - 1) Radiographer and Radiography Definitions
 - 2) Pending or Possible Rulemaking Projects
- 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) Public Health Emergencies
- 14) Board Liaison Training and Appointment of Mentors
- 15) Informational Items
- 16) Division of Legal Services and Compliance (DLSC) Matters
- 17) Presentations of Petitions for Summary Suspension
- 18) Petitions for Designation of Hearing Examiner
- 19) Presentation of Stipulations, Final Decisions and Orders
- 20) Presentation of Proposed Final Decisions and Orders
- 21) Presentation of Interim Orders
- 22) Petitions for Re-Hearing
- 23) Petitions for Assessments
- 24) Petitions to Vacate Orders
- 25) Requests for Disciplinary Proceeding Presentations
- 26) Motions
- 27) Petitions
- 28) Appearances from Requests Received or Renewed
- 29) 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) Proposed Stipulations Final Decisions and Orders**
 - a. 23 RAD 005 – Erika M. Popp, R.T. (10-15)

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: 2024 To Be Determined

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
RADIOGRAPHY EXAMINING BOARD
MEETING MINUTES
JULY 26, 2023**

PRESENT: Blas Berumen (*arrived at 9:33 a.m.*), Donald Borst, Paul Grebe, Rachael Julson, Timothy Szczykutowicz

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Dana Denny, Administrative Rules Coordinator; Dialah Azam, Bureau Assistant; and other Department staff

CALL TO ORDER

Donald Borst, Chairperson, called the meeting to order at 9:32 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

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

(Blas Berumen arrived at 9:33 a.m.)

APPROVAL OF MINUTES OF MARCH 8, 2023

MOTION: Paul Grebe moved, seconded by Timothy Szczykutowicz, to approve the Minutes of March 8, 2022 as published. Motion carried unanimously.

CLOSED SESSION

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

The Board convened into Closed Session at 9:58 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Case Closings

22 RAD 003 – M.H.D.

MOTION: Rachael Julson moved, seconded by Paul Grebe, to close DLSC Case Number 22 RAD 003, against M.H.D., for No Violation. Motion carried unanimously.

22 RAD 006 – K.K.

MOTION: Paul Grebe moved, seconded by Donald Borst, to close DLSC Case Number 22 RAD 006, against K.K., for Insufficient Evidence. Timothy Szczykutowicz abstained. Motion carried.

23 RAD 002 – E.B.

MOTION: Donald Borst moved, seconded by Rachael Julson, to close DLSC Case Number 23 RAD 002, against E.B., for Lack of Jurisdiction (L3). Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Rachael Julson moved, seconded by Timothy Szczykutowicz, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened in Open Session at 10:36 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Timothy Szczykutowicz moved, seconded by Blas Berumen, 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 Blas Berumen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:37 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 10/25/23 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Radiography Examining Board			
4) Meeting Date: 11/08/23	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Radiographer and Radiography Definitions 2. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Discuss radiographer/radiography definitions relative to credentialing and licensure. Attachments: <ul style="list-style-type: none"> • RAD 1 – Authority and Definitions • RAD 2 – Requirements for Radiographer’s License • RAD 3 – Requirements for limited X-ray Machine Operator (LXMO) Permit Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
 Signature of person making this request		10/25/23 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.			

Chapter RAD 1

AUTHORITY AND DEFINITIONS

RAD 1.01 Authority.

RAD 1.02 Definitions.

RAD 1.01 Authority. The rules in this chapter are adopted pursuant to ss. 15.08 (5), 440.08 (2) (a) 39m, and 64g., and 462.06, Stats.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11; correction made under s. 13.92 (4) (b) 7., Stats., Register August 2011 No. 668.

RAD 1.02 Definitions. In this chapter and chs. RAD 2 to 7.

(1) “ARRT” means American Registry of Radiologic Technologists.

(1m) “As Low As Reasonably Achievable” or “ALARA” means 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.

(2) “Board” means the Radiography Examining Board.

(3) “Bone densitometry” means the quantitative assessment of bone mass using single or dual energy x-ray absorptiometry.

(4) “Course of study” means a curriculum and associated training and testing materials which the board has determined are adequate to train persons to meet the requirements of this chapter.

(5) “Continuing education” means a board-approved planned learning activity in sufficient depth and scope to enhance the knowledge and skills underlying the performance of radiography.

(6) “Continuing education credit” means a unit of measurement for continuing education activities. One continuing education credit is awarded for 50 minutes of educational activities.

(7) “Department” means the department of safety and professional services.

(8) “Examination” means a written examination administered by the ARRT, or a successor organization, which is designed to assess knowledge, skills and competence in the application of X-rays to the human body, radiographic positioning, radiographic techniques, and the principles of radiation protection.

(9) “JRCERT” means Joint Review Committee on Education in Radiologic Technology.

(10) “License” means a license to practice radiography issued by the board.

(11) “Licensee” means a person who is licensed by the board as a radiographer.

(12) “Licensed practitioner” means any of the following:

(a) A physician licensed under s. 448.04 (1), Stats.

(b) A dentist licensed under s. 447.04 (1), Stats.

(c) A podiatrist licensed under s. 448.63, Stats.

(d) A chiropractor licensed under s. 446.02, Stats.

(e) An advance practice nurse prescriber certified under s. 441.16 (2), Stats.

(f) A physician assistant licensed under s. 448.974, Stats.

(g) A physical therapist licensed under s. 448.53, Stats., who satisfies one of the qualifications under s. 448.56 (7) (a), Stats.

(h) A health care provider who is defined as a licensed practitioner.

(13) “Limited x-ray machine operator” (LXMO) means a person who is issued a permit to perform radiography of one or more of four portions of the human body except that the practice may not include fluoroscopy.

(14) “Radiography” means the imaging of anatomical structures, produced by the combined application of x-rays to the human body and the application of knowledge in the fields of anatomy, radiographic positioning, and radiographic techniques, and the knowledge of principles of radiation protection, for the purpose of medical diagnosis, except that the “practice of radiography” does not include bone densitometry.

(15) “Radiographer” is a person who is issued a license to practice radiography.

(16) “Direct supervision” means immediate availability to continually coordinate, direct and inspect the practice of another and to give assistance if required during the performance of the procedure.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11; correction in (7) made under s. 13.92 (4) (b) 6., Stats., Register August 2011 No. 668; CR 16-091: renum. (12) to (12) (intro.) and am., cr. (12) (a) to (h) Register August 2017 No. 740, eff. 9-1-17; CR 19-084: am. (intro.), cr. (1m), am. (12) (intro.), (h) Register February 2020 No. 770, eff. 3-1-20; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register January 2022 No. 793; correction in (12) (f) made under s. 13.92 (4) (b) 7., Stats., Register January 2023 No. 805.

Chapter RAD 2

REQUIREMENTS FOR RADIOGRAPHER LICENSE

RAD 2.01 Application.
 RAD 2.02 Approved course of study.
 RAD 2.03 Approved examination.

RAD 2.04 Licensure by endorsement and reciprocity.
 RAD 2.05 Cause for denial of application.

RAD 2.01 Application. The board shall grant a license to practice as a radiographer to a person who meets the requirements in s. 462.03 (1) and (2), Stats.

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>.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11.

RAD 2.02 Approved course of study. (1) The educational requirements for a license under this chapter shall be a board-approved formal course of study which includes a JRCERT-accredited degree in radiography or a formal education program that is ARRT approved.

(2) Active certification as a radiologic technologist from the ARRT shall be accepted as proof of completion of a board-approved course of study in radiography.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11.

RAD 2.03 Approved examination. (1) The board-approved examination required for a license under this chapter shall be the ARRT examination for radiologic technologists, or an examination by a successor organization approved by the board.

(2) Active certification as a radiologic technologist from the ARRT shall be accepted as proof of passage of the examination requirement.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11.

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>.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11; CR 21-048: r. and recr. Register June 2022 No. 798, eff. 7-1-22.

RAD 2.05 Cause for denial of application. The Board may deny an application for a radiographer license on the basis of the following:

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

(2) 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 licensure encumbrances including surrender, suspension, revocation, limitation or reprimand.

(4) Failure to complete an application or comply with a request for information related to an application for a license within one year from the date of the filing of the application or request for information.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11; CR 21-048: am. (2) Register June 2022 No. 798, eff. 7-1-22.

Chapter RAD 3

REQUIREMENTS FOR LIMITED X-RAY MACHINE OPERATOR (LXMO) PERMIT

RAD 3.01 Application.
 RAD 3.02 Approved course of study.
 RAD 3.03 Approved examination.
 RAD 3.04 Notice of examination results.

RAD 3.05 Re-examination.
 RAD 3.065 Reciprocal permits.
 RAD 3.07 Cause for denial of permit.

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

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>.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11; CR 21-048: am. Register June 2022 No. 798, eff. 7-1-22.

RAD 3.02 Approved course of study. The educational requirements for a permit under this chapter shall be board-approved course of study provided through a Joint Review Committee on Education in Radiologic Technology accredited program. An approved course of study shall include at minimum the American Society of Radiologic Technologists limited scope of practice curriculum.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11.

RAD 3.03 Approved examination. The board-approved examination required for a permit under this chapter shall be the Wisconsin examination for limited scope of practice in radiography developed by the ARRT, or an examination from a successor organization approved by the board.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11.

RAD 3.04 Notice of examination results. All applicants for 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.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11; CR 21-048: am. Register June 2022 No. 798, eff. 7-1-22.

RAD 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 period. A re-examination

fee specified by the department shall be paid for each examination.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11; CR 21-048: am. Register June 2022 No. 798, eff. 7-1-22.

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>.

History: CR 21-048: cr. Register June 2022 No. 798, eff. 7-1-22.

RAD 3.07 Cause for denial of permit. The board may deny an application for an LXMO permit on the basis of any of the following:

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

(2) 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 an LXMO permit by another credentialing body.

(4) Failure to complete an application or comply with a request for information related to an application for a permit within one year from the date of the filing of the application or request for information.

History: CR 11-016: cr. Register August 2011 No. 668, eff. 9-1-11; CR 21-048: am. (intro.), (1) to (3) Register June 2022 No. 798, eff. 7-1-22.