



## Certification Page Regular and Emergency Rules

### 1. General Information

a. Agency/Board Name See attached list for references

Board of Radiologic Technologists Examiners

b. Agency/Board Address  
2800 Central Avenue

c. Agency/Board City  
Cheyenne

d. Agency/Board Zip Code  
82002

e. Name of Contact Person  
JoAnn Reid

f. Contact Telephone Number  
307-777-3507

g. Contact Email Address  
joann.reid@wyo.gov

h. Adoption Date:  
12/13/2012

i. Program(s) See attached list for references

General agency, board or commission rules

### 2. Rule Type and Information

a. These rules are:

☐ Emergency Rules (After completing all of Section 2, proceed to Section 5 below)

☒ Regular Rules

b. Choose all that apply:

☐ New Rules\*

☒ Amended Rules

☐ Repealed Rules

\* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.

If "New," provide the Enrolled Act number and year enacted:

c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed (if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)

Chapter Number:

1

Short Title:

General Provisions

Chapter Number:

2

Short Title:

Organization and Procedures of the Board

Chapter Number:

3

Short Title:

Radiologic Technologist

Chapter Number:

4

Short Title:

Radiologic Technician

Chapter Number:

5

Short Title:

Application Procedures

d. ☒ The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

### 3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State:

10/08/2012

b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Legislative Service Office:

10/08/2012

c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Attorney General:

10/08/2012



#### **4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☒ Yes ☐ No ☐ N/A

b. A public hearing was held on the proposed rules. ☐ Yes ☒ No

If "Yes:"	Date:	Time:	City:	Location:

#### **5. Final Filing of Rules**

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: 12/19/2012

b. Date on which final rules were sent to the Legislative Service Office: 12/20/2012

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: 12/20/2012

#### **6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual

Printed Name of Signatory

JoAnn M. Reid

Signatory Title

Executive Director

Date of Signature

12/20/2012

#### **7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

#### **Distribution List:**

##### **Attorney General**

1. Statement of Reasons;
2. Original Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore; and
5. Memo to Governor documenting emergency (emergency rules).

##### **LSO**

1. Statement of Reasons;
2. Copy of Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore;
5. Electronic copy of rules: clean and strike/underscore; and
6. Memo to Governor documenting emergency (emergency rules).

##### **SOS**

1. PDF of clean copy of rules; and
2. Hard copy of Certification Page as delivered by the AG.

## **STATEMENT OF PRINCIPAL REASONS**

### **FOR ADOPTION OF RULES**

Pursuant to authority granted under the Wyoming Board of Radiologic Technologists Licensing Act, W.S. § 33-37-101 through 33-37-113 the Wyoming Board of Radiologic Technologist Examiners has filed with the office of the Attorney General and the Legislative Service Office copies of rules and regulations which it proposes to file with the Secretary of State.

These rules and regulations are proposed to implement the authority of the Board and protect the public by regulating the qualifications and establishing standards of performance of persons licensed to apply ionizing radiation or radiopharmaceutical agents to humans for diagnostic or therapeutic purposes.

Chapter 1 has been divided into Chapter 1 and Chapter 2.

Chapter 2 has been divided into Chapter 5 and Chapter 6.

Chapter 3 is now Chapter 7.

Chapter 4 has been deleted in its entirety.

Chapter 5 is now Chapter 8.

Chapter 6 is now Chapter 9. Upon further review and discussion, the Board did not adopt Chapter 9, Section 3, subsections (a), (b), and (c). Subsection (d) now becomes subsection (a) in Section 3.

Chapter 7 has been deleted in its entirety.

Appendix A has been deleted in its entirety.

New Chapters 3, 4 and Appendix A have been added.

These amendments are proposed to: clarify licensing requirements, make adjustments in keeping with national trends in regulation, expand on grounds for disciplinary action, clarify and simplify the renewal process, restructure to make the rules more user friendly, adopt the current code of ethics for the profession, and increase fees to support the Board's budget and establish a cash balance to be able to provide online services within the next two (2) years. Application and examination fees were last increased on December 10, 2005. The renewal fees have been the same since before October 16, 1992.

## **SUMMARY OF COMMENTS AND AGENCY RESPONSE**

**Comments:** The Board received one comment on the proposed rules from the International Society for Clinical Densitometry (ISCD) voicing concerns regarding Chapter 5, Section 5, which requires that the Bone Densitometry Equipment Operator Examination for DEXA be administered by the American Registry of Radiologic Technologists (ARRT).

**Agency Response:** Upon review of the documentation and justification presented by ISCD, the Board voted to modify Chapter 5, Section 5, to read as follows:

“In addition to the documents required in Section 1(a) an applicant for restricted licensure as a radiologic technician shall request an official exam score verifying successful completion of the Limited Scope Examination, and/or the Bone Densitometry Equipment Operator Examination for DEXA, as administered by ARRT, other examination as approved by the Board, submitted directly to the office of the Board from the examination provider or another state jurisdiction.”

# CHAPTER 1

## GENERAL PROVISIONS

**Section 1. Authority.** These rules and regulations are promulgated by the Wyoming Board of Radiologic Technologist Examiners pursuant to their authority under the Radiologic Technologist Licensing Act, W.S. 33-37-101 through 33-37-113.

**Section 2. Statement of Purpose.** The Board of Radiologic ~~Technologists~~ Technologist Examiners rules and regulations are set forth for the purpose of interpreting, administering and implementing W.S. 33-37-101 through 33-37-113, providing for the licensure of technologists and technicians, regulating the qualifications and standards of education and performance required for licensure and licensure renewal, ~~providing for inspections,~~ enforcement and penalties, and setting fees.

**Section 3. Severability.** If any provision of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

**Section 4. Terms Defined by Statute.** Terms defined in W.S. § 33-37-101 through 33-37-113 shall have the same meaning when used in these regulations unless the context or subject matter clearly requires a different interpretation.

**Section 5. Terms Defined Herein.** As used in these regulations, the following terms shall have the meanings set forth unless the context or subject matter clearly requires a different interpretation.

~~———— (a) ——— "ACRRT" means the American Chiropractic Registry of Radiologic Technologists.~~

(~~b~~a) "ARRT" means the American Registry of Radiologic Technologists.

(~~e~~b) "Body Area" means a specific portion of the human anatomy.

~~———— (d) ——— "Bone Densitometry Equipment Operator Examination" means an examination administered by ARRT.~~

(~~e~~c) "Contrast ~~Medium~~Media" means material intentionally administered to the human body to define parts which are not normally visualized radiographically.

(~~f~~d) "CBRPA" means the Certification Board for Radiology Practitioner Assistant.

(~~g~~e) "DEXA" means Dual Energy X-ray Absorption (Bone Densitometry)

(~~h~~f) "Direct Supervision" means the licensed physician must be present ~~in the office~~

on the premises and immediately available to furnish assistance and direction throughout the performance of the procedure.

(g) "Fluoroscopic procedures" means continuous or real time x-ray imaging.

(h) "JRCERT" means Joint Review Committee on Education in Radiologic Technology.

(i) "Limited Scope Examination" means an examination administered by ARRT.

(j) "NMTCB" means the Nuclear Medicine Technology Certification Board.

(k) "Nuclear Medicine" means the specialized use of radioisotopes for diagnostic or therapeutic purposes.

(m) "Nuclear Medicine Technologist" means an individual, who may or may not be a radiologic technologist, with specialized training in the application of ionizing radiation and radiopharmaceuticals for therapeutic and/or diagnostic purposes.

(n) "Proficiency" means performing a given art, skill or branch of learning with expert correctness and facility.

(o) "Radiation Therapy" means the specialized use of ionizing radiation for therapeutic purposes.

~~(p) "Radiation Therapy Technologist" means a radiologic technologist with specialized training in the application of ionizing radiation for therapeutic purposes.~~

~~(q) "Radiographer" means a radiologic technologist with specialized training in the application of ionizing radiation for diagnostic purposes.~~

(r) "Radiologic Technician" means a person who has met minimum requirements for a restricted license and works under the direct supervision of a licensed practitioner.

(p) "Radiologic Technologist" means a person who has met minimum requirements for a general license to apply ionizing radiation or radiopharmaceutical agents to humans for diagnostic or therapeutic purposes.

(s) "Radiologist" means a medical practitioner licensed in the State of Wyoming specializing in the practice of radiology, nuclear medicine or radiation therapy.

~~(t) "Radiology Practitioner Assistant/Radiologist Assistant" means a person who has been certified by the American Registry of Radiologic Technologists (ARRT) or the Certification Board for Radiology Practitioner Assistants (CBRPA).~~

(u) "Special Procedures" means ~~any radiographic, ct scanning, mammography, or~~

~~fluoroscopic exam using contrast media and may include minor surgery~~ a minimally invasive image guided procedure for diagnosis and treatment.

(~~v~~s) "Technique" means any adjustment of radiation producing equipment.



## CHAPTER 2

### ORGANIZATION AND PROCEDURES OF THE BOARD

Section 1. Officers. The Chair shall be elected at the first meeting each year by a majority vote of the Board.

Section 2. Meetings of the Board.

~~Section 6. Board Meetings.~~

(a) The Board shall meet quarterly at a date, place and time established by the Chair with special meetings held as requested by the Chair or by a majority of the members.

(b) Notice of Board meetings shall be given to any person who requests such notice as specified by the Wyoming Administrative Procedures Act. The notice shall specify the time and place of the meeting and the business to be transacted.

(c) All meetings shall be open to the public and held in accordance with W.S. 16-4-401 through 408. ~~the~~ The Board may conduct executive sessions in accordance with W.S. § 16-4-405(a).

(d) A majority of the Board members constitutes a quorum ~~for the conduct of a Board meeting.~~ The act of the majority of ~~members present at a meeting, which includes a~~ the quorum, shall be the act of the Board of Radiologic ~~Technologists~~ Technologist Examiners.

(e) A written record shall be kept of all meetings and such records shall be retained as the permanent record of the transactions of the Board.

(f) The Chair may conduct meetings and Board business electronically as a means of conserving funds and expediting appropriate business.

(g) Board Members may be designated and empowered to conduct complaint investigations, and make recommendations on complaints.

## **CHAPTER 3**

### **RADIOLOGIC TECHNOLOGIST**

**Section 1. Scope of Practice.** The radiologic technologist issued a general license has demonstrated proficiency in equipment operation, image production, radiation protection, quality control, and patient care and education. A licensed radiologic technologist is able to assist a licensed practitioner with all aspects of special procedures, use of contrast media, assist with fluoroscopy, radioisotopes or therapeutic procedures as may be required.

#### **Section 2. License Required.**

(a) No individual shall perform any act specifically authorized for a radiologic technologist, nor function as a radiologic technologist, nor represent themselves as a radiologic technologist unless that individual holds a current general license issued by the Board.

(b) Every radiologic technologist shall display their license at all times in a conspicuous location readily accessible to all clients at their place of business.

**Section 3. Requirements for Licensure.** It is the sole responsibility of the applicant to ensure that the Board receives all documentation necessary to prove to the Board's satisfaction that the applicant meets all the requirements for licensure herein.

(a) General: The applicant shall provide satisfactory evidence to the Board that they:

(i) are at least eighteen (18) years of age, and

(ii) are legal inhabitants of the United States, and

(iii) have not been convicted of a felony or misdemeanor involving moral turpitude or controlled substances unless the applicant can show the Board to its satisfaction that such conviction will not impair the applicant's ability to provide competent health care or pose a threat to the safety of the consumer public, and

(iv) satisfy the requirements established in these rules.

(b) Education: The Board shall recognize for licensure successful completion of any course of study in radiologic technology as approved by JRCERT or other accrediting agencies recognized by ARRT, which have been approved by the Board.

(c) Examination: The Board shall recognize for general licensure successful completion of the National Registry Exam as administered by ARRT, NMTCB, or CBRPA.

#### **Section 4. Temporary License.**

(a) The Board may issue a temporary license to an applicant who has satisfied all of the requirements for a general license with the exception of passing the required examination.

(b) The Board shall not grant more than one (1) temporary license to the same individual.

(c) The temporary license shall expire fifteen (15) days after the date of the scheduled examination and are not renewable.

**Section 5. Special License.** The Board may issue a special license to a student technologist to practice as a radiologic technologist if a regional hardship or emergency condition exists. The student shall be currently enrolled as a nuclear medicine technologist or in their second year and in good standing in a radiology college program in radiologic technology as approved by JRCERT for qualification of a special license under the terms of these rules and regulations.

(a) The applicant must meet criteria as defined in Section 3(a).

(b) The applicant must be considered proficient as a radiologic or nuclear medicine technologist as described in the Act by the employer, the radiologist or other licensed practitioner making the request, and the college program director. The Board retains the right to further investigate the individual's competence before issuance.

(c) The Board shall not grant more than one (1) special license to the same individual.

(d) A special license will be issued for the individual to work at the facility designated by the written notifications sent from the employer, licensed practitioner and radiologist.

(e) Special licenses shall expire twelve (12) months from the date of issuance and are not renewable.

## CHAPTER 4

### RADIOLOGIC TECHNICIAN

#### Section 1. Scope of Practice.

(a) The radiologic technician issued a restricted license may select technique, position patients, critique films and apply radiation to persons for diagnostic purposes under specific direction of a person licensed to prescribe the examinations and must work under the direct supervision of a licensed practitioner. A radiologic technician shall not perform special procedures, fluoroscopic procedures or contrast media studies.

(b) The practice of a radiologic technician shall be limited to specific body areas, which shall appear on the license, and may include no more than three (3) of the following areas:

(i) Skull/Sinuses

(ii) Chest

(iii) Spine

(iv) Extremities inclusive of upper and lower extremities, pectoral girdle and pelvis.

(v) Podiatric Radiography

(c) A restricted license may be issued to perform only Bone Densitometry of central and peripheral anatomical sites (DEXA).

#### Section 2. License Required.

(a) No individual shall perform any act specifically authorized for a radiologic technician, nor function as a radiologic technician, nor represent themselves as a radiologic technician unless that individual holds a current restricted license issued by the Board.

(b) Every radiologic technician shall display their license at all times in a conspicuous location readily accessible to all clients at their place of business.

Section 3. Requirements for Licensure. It is the sole responsibility of the applicant to ensure that the Board receives all documentation necessary to prove to the Board's satisfaction that the applicant meets all the requirements for licensure herein.

(a) General: The applicant shall provide satisfactory evidence to the Board that they:

(i) are at least eighteen (18) years of age, and

(ii)       are legal inhabitants of the United States, and

                    (iii)       have not been convicted of a felony or misdemeanor involving moral turpitude or controlled substances unless the applicant can show the Board to its satisfaction that such conviction does not impair the applicant's ability to provide competent health care or pose a threat to the safety of the consumer public, and

                    (iv)       satisfy the requirements established in these rules.

          (b)       Examination:

                    (i)       The Board shall recognize for restricted licensure successful completion of the Limited Scope Examination and the Bone Densitometry Equipment Operator Examination as administered by ARRT.

                    (ii)       An applicant must achieve a seventy-five percent (75%) passing score on the Core exam and a seventy-five percent (75%) passing score for each specific body area exam.

                    (iii)       An applicant is not eligible for re-examination until six (6) months after the failed examination.

## CHAPTER 25

### **TECHNOLOGISTS/TECHNICIANS APPLICATION PROCEDURES**

#### **Section 1. General Application Procedures.**

(a) The Board shall not review an individual's credentials prior to receiving a complete application. An individual is considered an applicant once they have submitted:

(i) A complete official application form accompanied by the application fee, and

(ii) Appropriate proof of legal presence in the U.S.

(b) All documents submitted in support of the application shall be submitted directly to the office of the Board from the source and not forwarded through the applicant.

(c) The completion of all requirements for licensure shall be documented within one (1) year of the date the application was received by the Board, otherwise the application will be deemed incomplete and closed without further notice.

**Section 2. General License.** In addition to the documents required in Section 1(a) an applicant for general licensure as a radiologic technologist shall submit a copy of a current ARRT, NMTCB or CBRPA certification card. If the applicant does not hold a current ARRT, NMTCB or CBRPA certification, the applicant shall submit:

(a) An official transcript verifying successful completion of a course of study in radiologic technology as approved by JRCERT or other accrediting agencies recognized by ARRT, which have been approved by the Board, submitted directly to the office of the Board from the educational institution, and

(b) An official exam score verifying successful completion of the National Registry Exam as administered by ARRT, NMTCB, or CBRPA submitted directly to the office of the Board from the examination provider.

**Section 3. Temporary License.** In addition to the documents required in Section 1(a) an applicant for a temporary license as a radiologic technologist shall submit official verification from ARRT, NMTCB or CBRPA indicating the specific scheduled examination date.

**Section 4. Special License.** In addition to the documents required in Section 1(a) an applicant for a special license as a radiologic technologist shall submit:

(a) Written notification from a licensed practitioner, citing a regional hardship or emergency condition, submitted directly to the office of the Board from the licensed practitioner.

(b) Written notifications on letterhead, with the name of the applicant and an

original signature, stating the applicant's proficiency as a radiologic technologist submitted directly to the office of the Board from the author. Written notifications shall be sent from:

- \_\_\_\_\_ (i) the employer, and
- \_\_\_\_\_ (ii) a licensed radiologist, and
- \_\_\_\_\_ (iii) the college program director.

**Section 5. Restricted License.** In addition to the documents required in Section 1(a) an applicant for restricted licensure as a radiologic technician shall request an official exam score verifying successful completion of the Limited Scope Examination, and/or the Bone Densitometry Equipment Operator Examination for DEXA, as administered by ARRT, or other examination as approved by the Board, submitted directly to the office of the Board from the examination provider or another state jurisdiction.

~~**Section 1. License Required.**~~

~~\_\_\_\_\_ (a) No individual shall perform any act specifically authorized for a technologist or technician nor function as a technologist or technician nor represent himself/herself as a technologist or technician unless that individual holds a current license issued by the Board.~~

~~\_\_\_\_\_ (b) Every radiologic technologist or technician shall display his/her general, restricted, special or temporary license.~~

~~**Section 2. Licensure Requirements.**~~

~~\_\_\_\_\_ (a) Every applicant for licensure must be at least eighteen (18) years of age.~~

~~\_\_\_\_\_ (b) Every applicant shall not have been convicted of a felony or misdemeanor involving moral turpitude or controlled substances unless the applicant can show the Board to its satisfaction that such conviction will not impair the applicant's ability to provide competent health care or pose a threat to the safety of the consumer public as per W.S. § 33-37-108(d).~~

~~\_\_\_\_\_ (c) The Board shall recognize for licensure successful completion of any course of study in radiologic technology as approved by JRCERT or other accrediting agencies recognized by ARRT, which have been approved by the Board.~~

~~\_\_\_\_\_ (d) The Board shall recognize for general licensure successful completion of the National Registry Exam administered by ARRT, NMTCB, or CBRPA.~~

~~\_\_\_\_\_ (i) ARRT shall furnish to the Board the test results of each examinee within the State.~~

~~\_\_\_\_\_ (e) ARRT shall administer the Limited Scope examination for restricted license applicants. This examination will assess the applicants knowledge and cognitive skills required~~

~~to radiograph selected anatomic regions (chest, extremities, etc.).~~

~~————— (i) ——— An applicant failing the restricted examination will be required to submit the appropriate fee to re-take the examination.~~

~~————— (ii) ——— A passing score for the Limited Scope Examination means eighty (80) percent of the questions on the examination shall be answered correctly.~~

~~————— (f) ——— ARRT shall administer the Bone Densitometry Equipment Operator Examination to assess the applicant's knowledge and cognitive skills required to perform DEXA scans of central and peripheral anatomical sites.~~

~~————— (i) ——— An applicant failing the Bone Densitometry Equipment Operator Examination will be required to submit the appropriate fee to re-take the examination.~~

~~————— (ii) ——— A passing score for the Bone Densitometry Equipment Operator Examination means eighty (80) percent of the questions on the examination shall be answered correctly.~~

~~————— (g) ——— Every applicant shall provide Proof of Legal Presence.~~

~~————— (h) ——— Applications expire one (1) year from receipt.~~

~~————— **Section 3. General License.** The radiologic technologist issued a general license shall be able to assist a licensed practitioner with all aspects of special procedures, use of contrast media, assist with fluoroscopy, radioisotopes or therapeutic procedures as may be required.~~

~~————— (a) ——— The Board shall grant a general license to an applicant who;~~

~~————— (i) ——— Has submitted a complete and legible application form along with the proper fee.~~

~~————— (ii) ——— Has submitted a photocopy of their current ARRT, NMTCB or CBRPA certificate in good standing.~~

~~————— (b) ——— The General License shall expire two (2) years from the date of issuance.~~

~~————— **Section 4. Restricted License.** The radiologic technician issued a restricted license shall not perform special procedures, fluoroscopic procedures or contrast media studies and must work under the direct supervision of a licensed practitioner.~~

~~————— (a) ——— The licensee shall be limited to a specific body area, which shall appear on the license and may include one or more areas as follows:~~

~~————— (i) ——— Skull~~



~~\_\_\_\_\_ (ii) \_\_\_\_\_ Chest~~

~~\_\_\_\_\_ (iii) \_\_\_\_\_ Spine~~

~~\_\_\_\_\_ (iv) \_\_\_\_\_ Extremities inclusive of upper and lower extremities, pectoral girdle and pelvis.~~

~~\_\_\_\_\_ (v) \_\_\_\_\_ Podiatric Radiography~~

~~\_\_\_\_\_ (vi) \_\_\_\_\_ Bone Densitometry~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ The Board may grant a restricted license to an applicant who;~~

~~\_\_\_\_\_ (i) \_\_\_\_\_ Has submitted a complete and legible application form along with the proper fee.~~

~~\_\_\_\_\_ (ii) \_\_\_\_\_ Has successfully completed the Limited Scope Examination as outlined in Section 2(e) or has successfully completed the Bone Densitometry Equipment Operator Examination as outlined in Section 2 (f).~~

~~\_\_\_\_\_ (c) \_\_\_\_\_ The Restricted License shall expire twelve (12) months from the date of issuance and is renewable on an annual basis.~~

~~\_\_\_\_\_ **Section 5. Temporary License.**~~

~~\_\_\_\_\_ (a) \_\_\_\_\_ The Board shall grant a temporary license to an applicant who;~~

~~\_\_\_\_\_ (i) \_\_\_\_\_ Has submitted a complete and legible application form along with the proper fee.~~

~~\_\_\_\_\_ (ii) \_\_\_\_\_ Has met the minimum requirements as outlined in Chapter 2, Section 2(a)(b)(c).~~

~~\_\_\_\_\_ (iii) \_\_\_\_\_ Has submitted verification from ARRT/NMTCB indicating the specific date scheduled for his/her examination.~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ The temporary license shall expire fifteen (15) days after the date of the scheduled examination.~~

~~\_\_\_\_\_ (c) \_\_\_\_\_ A temporary license is non-renewable.~~

~~\_\_\_\_\_ **Section 6. Special License.**~~

~~\_\_\_\_\_ (a) \_\_\_\_\_ The Board may issue a special license to a student technologist to practice as a radiologic technologist if a regional hardship or emergency condition exists. The Board shall not consider individuals other than nuclear medicine students and second year x ray student~~

~~technologists as proficient for qualification of a special license under the terms of these rules and regulations.~~

~~\_\_\_\_\_ (i) \_\_\_\_\_ The applicant must meet criteria as described in W.S. § 33-37-106 and as further defined in Chapter 2, Section 2 (a)(b)(c).~~

~~\_\_\_\_\_ (ii) \_\_\_\_\_ The applicant must be considered proficient as a radiologic or nuclear medicine technologist as described in the Act by the employer, the radiologist or other licensed practitioner making the request, and the college program director. The Board retains the right to further investigate the individual's competence before issuance.~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ After review the Board shall grant a special license to an applicant who;~~

~~\_\_\_\_\_ (i) \_\_\_\_\_ Has submitted a complete and legible application form along with the proper fee.~~

~~\_\_\_\_\_ (ii) \_\_\_\_\_ Has submitted written notification from a licensed practitioner citing a regional hardship or emergency condition.~~

~~\_\_\_\_\_ (iii) \_\_\_\_\_ Has requested written notifications on letterhead with the name of the applicant, an original signature, stating the applicant's proficiency as a radiologic technologist sent directly to the Board. The applicant shall be currently enrolled as a nuclear medicine technologist or in their second year and in good standing in the x-ray college program. The written notifications shall be sent from:~~

~~\_\_\_\_\_ (A) \_\_\_\_\_ the employer,~~

~~\_\_\_\_\_ (B) \_\_\_\_\_ a radiologist,~~

~~\_\_\_\_\_ (C) \_\_\_\_\_ the college program director.~~

~~\_\_\_\_\_ (e) \_\_\_\_\_ The Board shall not grant more than one (1) special license to the same individual.~~

~~\_\_\_\_\_ (d) \_\_\_\_\_ Special licenses shall expire twelve (12) months from the date of issuance and are not renewable.~~

~~\_\_\_\_\_ (e) \_\_\_\_\_ A special license will be issued for the licensee to work at the facility designated by the written notifications sent from the employer, licensed practitioner and radiologist.~~

**Section 76. Notification of Applicants and Right of Appeal.** When an applicant has submitted evidence that they have satisfied all the standards for licensure, the Board shall review the application and notify the applicant of its decision in writing. If the applicant is denied on the basis of initial application materials, the reasons for this rejection shall be communicated in writing. The applicant shall have the right of reconsideration as established in Chapter 9.

~~(a) If the Board approves the applicant's application for a general license, this finding will be communicated in writing to the applicant along with a wall certificate and pocket card.~~

~~(b) If the applicant is denied on the basis of application materials, the reasons for this rejection shall be communicated in writing.~~

~~(i) The applicant shall have the right of reconsideration based on submission of new information and/or an appearance before the Board with the opportunity to demonstrate to the board that he/she meets the general licensure requirements.~~

**Section 7. Issuance of License.** The Board shall issue a wall certificate and one (1) pocket ID card to the successful applicant bearing the full name of the holder, license serial number, date of issuance, expiration date, and appropriate seal. Wall certificates for a restricted license shall also reflect the approved body areas. Wall certificates for a special license shall also reflect the name of their employer. A wall certificate will not be issued for a temporary license.

**Section 8. Change of Name, Address or Telephone Number.**

(a) Licensees shall register with the Board any change in their legal name, shall submit documentation demonstrating the change of name, appropriate fee and shall surrender the old wall certificate and a new wall certificate shall be issued by the Board.

(b) Each applicant and licensee shall file with the Board their current home and professional mailing addresses and telephone numbers and shall report to the Board in writing any change of addresses or telephone numbers, giving both old and new addresses and telephone numbers.

## CHAPTER 6

### LICENSE RENEWAL

#### **Section 81. ~~License~~ Renewal Requirements.**

(a) General license holders shall earn a minimum of twenty-four (24) contact hours of continuing education during each renewal period.

(b) Restricted License holders shall earn a minimum of six (6) contact hours of continuing education during each renewal period.

**Section 2. Renewal Application Procedures.** Licenses may be renewed by providing the Board with the following:

(a) Payment of the renewal fee;

(b) Complete application for renewal; and

(c) Proof of compliance with the continuing education requirements. As proof of compliance the Board will accept:

(i) A copy of a current ARRT, NMTCB, or CBRPA certification card, or

(ii) Copies of certificates of attendance showing completion of acceptable continuing education activities. Certificates shall contain the activity title, date(s), contact hours attended, sponsor, presenter, qualifications of the presenter, the name of the licensee holder, and shall be signed by the sponsor or the presenter.

**Section 3. Continuing Education.** Continuing education hours shall be earned based on the standards established for ARRT certification renewal.

(a) Contact hours shall be the actual number of hours during which instruction was received. A contact hour shall consist of not less than fifty (50) minutes of actual instruction or presentation. For academic courses, one (1) semester credit equals fifteen (15) contact hours. One (1) quarter credit equals ten (10) contact hours.

(b) Only those hours acquired during the renewal period will be considered.

(c) The following standards shall govern acceptability of continuing education activities:

(i) These activities shall have significant intellectual or practical content, and the primary objective shall be to increase the participant's competence within the profession.

(ii) These activities shall directly relate to the scope of practice for the profession.

(d) Licensees shall attest to the number of continuing education hours completed.

(e) Licensees shall report their continuing education activities in a manner determined by the Board.

(f) Licensees shall maintain copies of any certificates of attendance, letters certifying attendance, transcripts, or any official documents which serve as proof of participation or attendance for at least two (2) years from the date submitted for renewal.

(g) Licensees are responsible for maintaining their own continuing education documentation.

(h) The Board shall mail a renewal notice to active licensees at their address of record no later than thirty (30) days before the license expiration date.

(i) Renewal applications shall not be accepted more than one hundred twenty (120) days prior to the expiration date.

(j) Renewal applications received by the Board which are postmarked after the expiration date, or after the next business day in cases when the expiration date falls on a weekend or holiday, will not be accepted by the Board, and the license will become null and void for failure to timely and sufficiently secure renewal.

~~(b) License renewal fees must be postmarked no later than the expiration date.~~

(k) Failure to receive notice for renewal of license from the Board does not excuse a licensee from the requirement for renewal under the Act and this rule.

~~(d) Radiologic technologists shall submit a current ARRT, NMTCB, or CBRPA card as proof of continuing education hours.~~

~~(e) Radiologic technicians shall submit proof of six (6) continuing education hours; date and place of attendance accompanied by the certificate of attendance. Continuing Education hours must be earned within the one (1) year of the license.~~

#### **Section 4. Exemption From Continuing Education.**

(a) A licensee may be exempted from a portion of the continuing education required for the renewal of their license if during the current renewal period if the licensee otherwise meets all renewal requirements and experiences a physical disability, illness or other disabling situation exceeding one hundred and eight (180) or more consecutive days in any calendar year.

(b) The number of hours exempted shall be in proportion to the length of disability or situation.

(c) The licensee claiming an exemption shall provide supporting documentation from a third party acceptable to the Board.

~~**Section 9. Reissuance.**~~

~~(a) The Board shall require a completed application, current application and renewal fee if the renewal is postmarked after the expiration date along with a current ARRT, NMTCB, or CBRPA card as proof of continuing education hours.~~

## CHAPTER 37

### FEES

**Section 1. Statement of Purpose.** These rules and regulations are adopted to implement the Board's authority to determine and collect reasonable fees in an amount to cover the cost of administration.

**Section 2. General Information.**

~~(a) The current fee schedule shall appear in the official records of the Board's activities and shall be kept on file in the Board office.~~

~~(b) At the time of application, a copy of the current fee schedule shall be provided to applicants.~~

~~(ea) Fees shall be payable in the exact amount, by money order or cashier's check for all services and shall be paid in advance of the services rendered. Fees for renewal of licensure may, in addition to money order or cashier's check, be paid by personal check.~~

~~(db)~~ All fees collected by the Board are non-refundable regardless of the outcome.

(c) Applications shall not be considered by the Board unless accompanied by the application fee.

~~(e) Applicants failing their examination shall be assessed a non-refundable re-examination fee for any subsequent examinations at the same rate as the initial examination.~~

**Section 3. Fees.** Services for which the Board charges a fee shall include but not be limited to the following fee schedule:

(a) Examination Fees

(i) ARRT Limited Scope Examination ~~\$100.00~~ as established by ARRT

(ii) Retakes of ARRT Limited Scope Examination ~~\$100.00~~ as established by ARRT

(b) ~~License~~ Application Fees

~~(i) Application Fee~~ \$125.00

~~(ii)~~ General License ~~Fee~~ \$225.00

~~(iii)~~ Restricted License ~~Fee~~ \$160.00

	( <del>iv</del> <u>iii</u> )	Special License- <del>Fee</del>	<del>\$75.00</del> <u>200.00</u>
	( <del>v</del> <u>iv</u> )	Temporary License- <del>Fee</del>	<del>\$50.00</del> <u>175.00</u>
(c)		Renewal Fees	
	(i)	General License (bi-annual) Renewal- <del>Fee</del>	<del>\$60.00</del> <u>100.00</u>
	(ii)	Restricted License (annual) Renewal- <del>Fee</del>	<del>\$35.00</del> <u>40.00</u>
(d)		Other Fees	
	(i)	License Verification- <del>Fee</del> <u>Payable by cashier's check or money order only.</u>	<del>\$25.00</del> <u>10.00</u>
	<del>(ii)</del>	<del>Hardecopy Roster Fee</del>	<del>\$100.00</del>
	( <del>iii</del> <u>iii</u> )	Duplicate Certificate- <del>or Pocket Card-Fee</del>	<del>\$25.00</del> <u>10.00</u>
	(iii)	Duplicate Pocket Cards	<u>\$5.00</u>
	(iv)	Copy/Print Fee	<u>\$.25 per page</u>
	(v)	Non-sufficient Funds in accordance with W.S. 1-1-115.	



## CHAPTER 58

### **REVOCATION, SUSPENSION AND PURSUING PROSECUTION FOR VIOLATIONS**

#### **PROFESSIONAL CONDUCT AND GROUNDS FOR ACTION**

##### **Section 1. Board Authorization.**

~~\_\_\_\_\_ (a) \_\_\_\_\_~~ The Board is authorized to censure, revoke, suspend or restrict the licenses of persons violating provisions of the Act pursuant to W.S. 33-37-111.

**Section 2. Grounds.** In addition to the grounds outlined in W.S. 33-37-111, the Board may take action for unprofessional or unethical conduct.~~The Board may also censure, revoke, suspend or restrict the licenses on one or more of the following grounds:~~

~~\_\_\_\_\_ (a) \_\_\_\_\_~~ Conviction of a felony or conviction of a high misdemeanor involving moral turpitude, in which case the record of conviction certified by the clerk or judge of the court in which the conviction is held shall be conclusive evidence.

~~\_\_\_\_\_ (b) \_\_\_\_\_~~ Renting or loaning the license issued pursuant to this Act to any person to be used as a license for such person.

~~\_\_\_\_\_ (c) \_\_\_\_\_~~ Negligent or incompetent use of radiation or radiopharmaceutical agents.

~~\_\_\_\_\_ (d) \_\_\_\_\_~~ Violation of the Wyoming Controlled Substance Act.

~~\_\_\_\_\_ (e) \_\_\_\_\_~~ Violation and conviction of a charge under the Wyoming Controlled Substance Act.

~~\_\_\_\_\_ (f) \_\_\_\_\_~~ Violation of any provision of these Rules.

~~\_\_\_\_\_ (g) \_\_\_\_\_~~ Violation of any provisions of this Act, W.S. § 33-37-101, et. seq.

**Section 3. Unprofessional Conduct.** The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of persons whose activities are regulated by the Board.

\_\_\_\_\_ (a) \_\_\_\_\_ The Code of Ethics and Rules of Ethics from the ARRT Standards of Ethics are adopted by reference herein and are incorporated as Appendix A. All references to “radiologic technologist” shall apply to all persons licensed by the Board. Where the ARRT Code of Ethics and Rules of Ethics conflict with the Act and/or these rules and regulations, the Act and rules and regulations shall control.

\_\_\_\_\_ (b) \_\_\_\_\_ Unprofessional conduct shall include, but not be limited to:

\_\_\_\_\_ (i) \_\_\_\_\_ Violation of any provision of the adopted ARRT Rules of Ethics.

- (ii) Subverting or attempting to subvert the licensure process by:
- (A) making a false statement or knowingly providing false information to the Board; or
- (B) failing to cooperate with any investigation by the Board.
- (iii) Engaging in false, fraudulent, deceptive, or misleading communications to any person regarding the individual's education, training, credentials, experience, or qualifications, or the status of the individual's license in radiologic technology issued by the Board.
- (iv) Knowingly assisting, advising, or allowing a person without a current and appropriate license to engage in the practice of radiologic technology.

#### **Section 34. Suspension of License.**

~~(a) Emergency suspension pursuant to W.S. § 16-3-113(c); The Board may temporarily suspend a license if the Board finds that the public health, safety or welfare imperatively requires emergency action. The Board shall notify the technologist or technician of the grounds for suspension immediately and shall promptly institute formal proceedings hereunder.~~

~~**Section 4. Proceedings.** Proceedings under this Chapter may be taken by the Board from matters within its knowledge or upon information from another. All complaints shall be in writing, verified by some party familiar with the facts alleged, and shall be filed with the Board. Upon receiving the complaint, the Board, if it deems the complaint sufficient, shall proceed as in a contested case under the Wyoming Administrative Procedure Act. Upon revocation of any license, the fact shall be noted upon the records of the Board and that license shall be marked canceled upon the date of its revocation.~~

## **CHAPTER 9**

### **APPLICATION REVIEW, COMPLAINTS, AND HEARING PROCEDURES**

**Section 1. Authority.** These rules are promulgated by authority of W.S. 16-3-102, W.S. 33-37-105 and 33-37-111.

**Section 2. Purpose.** The Board establishes these rules to provide a fair and efficient method for investigating complaints and conducting administrative hearings relative to refusal of license, refusal of renewal, suspension or revocation of licenses, and these procedures may be utilized when a formal hearing is necessary for other purposes as well.

#### **Section 3. Application Review Process.**

(a) Application denial hearings.

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The hearing is to be conducted in the presence of a quorum of the Board with a hearing officer presiding.

(iii) The applicant has the burden of proving that he/she meets all requirements for the license requested.

(iv) If an applicant requests an administrative hearing on the denial of their application, the procedure for that hearing will be the same as the formal hearing procedure outlined in this Chapter.

#### **Section 4. Complaints.**

(a) A disciplinary review is initiated against a licensee by submitting a written complaint to the Board Office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member, or a member of the Board staff. The written complaint should provide as much of the following information as may be available and applicable:

(i) The name, address, place of employment, and telephone number of the licensee against whom the charges are made;

(ii) The name, address and telephone number of complainant;

(iii) The specific conduct alleged to constitute the violation;

(iv) The names, addresses, and telephone numbers of any other witnesses;

and

(v) The signature of the complainant.

(b) The Board may also initiate and investigate complaints based upon its own knowledge, without a written complaint being filed.

**Section 5. Review of Written Complaint.** Written complaints shall be referred to an Investigative Board Member (IBM) selected by Board staff from a rotating schedule. The IBM shall promptly advise the Board staff of any known potential conflicts of interest. Licensees against whom charges are made will be advised of the investigation, the name of the IBM, and the nature of the complaint.

(a) The IBM shall not take part in the consideration of any contested case.

(b) The IBM shall not, by this rule, be barred from attending any disciplinary hearing.

**Section 6. Investigations and Board Action.**

(a) The IBM and Board staff shall investigate those written complaints received which merit further investigation. An independent investigator may be hired if the IBM deems it necessary.

(b) Upon completion of the investigation, the IBM shall:

(i) Dismiss the complaint if no violation of the Act or Board rules is found; or

(ii) Prepare an investigative report which shall include:

(A) The findings;

(B) A list of statutes and/or Board rules believed to have been violated; and

(C) Any relevant additional information.

(c) The IBM shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.

(d) Following consultation with the Assistant Attorney General, the IBM may:

(i) Send the notice required by Section 7;

(ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;

(iii) Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;

(iv) Recommend the Board dismiss the complaint.

(e) The Board may resolve a complaint at any time by:

(i) Sending a written letter of advice;

(ii) Accepting a voluntary surrender of a license;

(iii) Accepting conditional terms for settlement;

(iv) Dispensing with it in an informal matter; or

(v) Dismissal.

**Section 7. Notice and Opportunity to Show Compliance.** Prior to commencing formal proceedings or taking disciplinary action, the IBM shall give notice by mail to the licensee of the facts or conduct which warrant the intended action. The notice shall give the licensee an opportunity to show compliance with all lawful requirements for retention of the license within twenty (20) days of the mailing of the notice. Such notice shall be sent to the licensee's last known address by certified mail with return receipt requested and by first class mail.

**Section 8. Formal Hearing Procedures.** Formal proceedings for a hearing before the Board regarding action against a licensee shall be commenced by petition and notice of hearing, served in person, or by both certified mail return receipt requested and first class mail sent to the address last known by the Board at least thirty (30) days prior to the date set for the hearing. The petition and notice shall contain at least:

(a) The name and address of the licensee;

(b) A statement in ordinary and concise language, of the nature of the complaint filed with the Board, the facts upon which the complaint is based, as well as the specific statute(s) or Board Rules and Regulations alleged to have been violated;

(c) The time, place, and nature of the hearing;

(d) That the hearing is being held pursuant to the authority provided by W.S. 33-37-111, and

(e) That the licensee shall file an Answer or Notice of Appearance, which must be

received by the Board at least ten (10) working days prior to the date set for hearing, or the licensee will be in default.

**Section 9. Continuance.** For good cause shown, extensions and continuances may be granted or denied at the discretion of the Board or the hearing officer.

**Section 10. Default.** The Board may enter an order based on the allegations in a petition in any case where the licensee has not answered in writing ten (10) working days before the hearing, or in any case in which the licensee, or his/her representative, has not appeared at a scheduled hearing for which they had notice.

**Section 11. Hearing Officer.** The Board may appoint a hearing officer to take evidence at the hearing, or the chairperson or a Board member may serve as the hearing officer.

**Section 12. Discovery.** In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act.

**Section 13. Subpoenas.**

(a) A Board member or the hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths.

(b) Service of a subpoena must be made at the expense of the party applying for it and shall be made in the manner provided by law for service of subpoenas in civil actions.

**Section 14. Witnesses.**

(a) All persons testifying at any hearing before the Board shall be administered a standard oath or affirmation.

(b) No testimony will be received from a witness except under oath or affirmation.

(c) The party calling a witness shall bear the costs associated with his/her appearance.

(d) The Board and hearing officer shall have an opportunity to examine any witness.

**Section 15. Representation.**

(a) A licensee may represent him/herself or be represented by counsel, provided that such counsel is licensed to practice law in the State of Wyoming or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.

(b) In any case before the Board, an appearance in person or the filing of an answer or other pleading shall constitute an appearance of record by an attorney.

(c) A request for withdrawal from representation by an attorney shall be submitted to the Board in writing.

(d) The Assistant Attorney General assigned to the Board for prosecution shall present all matters in a contested case on behalf of the IBM.

#### **Section 16. Prehearing Conference.**

(a) The hearing officer may direct the parties to appear before him/her to consider:

(i) The issues;

(ii) Amending the pleadings;

(iii) The possibility of obtaining admissions of fact and of documents to avoid unnecessary proof;

(iv) Formulating procedures to govern the hearing; and

(v) Such other matters as may aid in the presentation or disposition of the case.

(b) Prehearing conferences shall be conducted informally. An order will be prepared which recites the actions taken at the conference, amendments allowed, agreements of the parties, and the issues to be determined at the hearing.

**Section 17. Order of Procedure at Hearing.** Hearings may be conducted substantially in the following order:

(a) Opening announcements are made by the hearing officer, including case name and docket number, the issue(s) to be considered, parties and counsel present, and subpoenas issued;

(b) Witnesses should be identified and sworn;

(c) Opening statements may be made at the discretion of the hearing officer. In cases of license denial, the applicant should go first. In disciplinary cases the IBM should go first;

(d) Presentation of Evidence. The order above will be followed with each party, the hearing officer, and the Board having the opportunity to cross-examine the witnesses. Rebuttal evidence may be presented;

(e) Exhibits offered in evidence by the licensee will be marked with the letters of the alphabet. Those offered by the IBM will be marked numerically;

(f) Closing arguments may be made at the discretion of the hearing officer. Time may be limited, the order of presentation is as above, and brief rebuttal time may be allowed. The hearing and the evidence are then closed, unless reopened by the hearing officer for good cause shown.

### **Section 18. Decisions.**

#### **(a) Proposed Decisions:**

(i) At the discretion and direction of the Board, the parties may file proposed findings of fact, conclusions of law, and order after the hearing and before the deadline announced in the hearing's closing announcements.

(ii) At the discretion and direction of the Board, the hearing officer shall prepare proposed findings of fact, conclusions of law, and order.

(b) Final Decisions. Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. All final decisions issued by the Board shall be served to all parties by first class mail sent to their last known address.

**Section 19. Appeals.** A Petition for Judicial Review of the Board decision may be filed in the appropriate district court in accordance with the Wyoming Rules of Appellate Procedure.

**Section 20. Transcripts.** If a Petition for Judicial Review is filed in the district court, the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or reimburse the Board for the cost of the transcript if previously prepared at Board expense.



## Appendix A

### American Registry of Radiologic Technologists Standards of Ethics

#### A. CODE OF ETHICS

The Code of Ethics forms the first part of the *Standards of Ethics*. The Code of Ethics shall serve as a guide by which Certificate Holders and Candidates may evaluate their professional conduct as it relates to patients, healthcare consumers, employers, colleagues, and other members of the healthcare team. The Code of Ethics is intended to assist Certificate Holders and Candidates in maintaining a high level of ethical conduct and in providing for the protection, safety, and comfort of patients. The Code of Ethics is aspirational.

1. The radiologic technologist acts in a professional manner, responds to patient needs, and supports colleagues and associates in providing quality patient care.
2. The radiologic technologist acts to advance the principal objective of the profession to provide services to humanity with full respect for the dignity of mankind.
3. The radiologic technologist delivers patient care and service unrestricted by the concerns of personal attributes or the nature of the disease or illness, and without discrimination on the basis of sex, race, creed, religion, or socio-economic status.
4. The radiologic technologist practices technology founded upon theoretical knowledge and concepts, uses equipment and accessories consistent with the purposes for which they were designed, and employs procedures and techniques appropriately.
5. The radiologic technologist assesses situations; exercises care, discretion, and judgment; assumes responsibility for professional decisions; and acts in the best interest of the patient.
6. The radiologic technologist acts as an agent through observation and communication to obtain pertinent information for the physician to aid in the diagnosis and treatment of the patient and recognizes that interpretation and diagnosis are outside the scope of practice for the profession.
7. The radiologic technologist uses equipment and accessories, employs techniques and procedures, performs services in accordance with an accepted standard of practice, and demonstrates expertise in minimizing radiation exposure to the patient, self, and other members of the healthcare team.
8. The radiologic technologist practices ethical conduct appropriate to the profession and protects the patient's right to quality radiologic technology care.
9. The radiologic technologist respects confidences entrusted in the course of professional practice, respects the patient's right to privacy, and reveals confidential information only as required by law or to protect the welfare of the individual or the community.

10. The radiologic technologist continually strives to improve knowledge and skills by participating in continuing education and professional activities, sharing knowledge with colleagues, and investigating new aspects of professional practice.

## **B. RULES OF ETHICS**

The Rules of Ethics form the second part of the *Standards of Ethics*. They are mandatory standards of minimally acceptable professional conduct for all Certificate Holders and Candidates. Certification and Registration are methods of assuring the medical community and the public that an individual is qualified to practice within the profession. Because the public relies on certificates and registrations issued by ARRT, it is essential that Certificate Holders and Candidates act consistently with these Rules of Ethics. These Rules of Ethics are intended to promote the protection, safety, and comfort of patients. The Rules of Ethics are enforceable. Certificate Holders and Candidates engaging in any of the following conduct or activities, or who permit the occurrence of the following conduct or activities with respect to them, have violated the Rules of Ethics and are subject to sanctions as described hereunder:

1. Employing fraud or deceit in procuring or attempting to procure, maintain, renew, or obtain or reinstate certification or registration as issued by ARRT; employment in radiologic technology; or a state permit, license, or registration certificate to practice radiologic technology. This includes altering in any respect any document issued by the ARRT or any state or federal agency, or by indicating in writing certification or registration with the ARRT when that is not the case.

2. Subverting or attempting to subvert ARRT's examination process. Conduct that subverts or attempts to subvert ARRT's examination process includes, but is not limited to:

(i) disclosing examination information using language that is substantially similar to that used in questions and/or answers from ARRT examinations when such information is gained as a direct result of having been an examinee; this includes, but is not limited to, disclosures to students in educational programs, graduates of educational programs, educators, or anyone else involved in the preparation of Candidates to sit for the examinations; and/or

(ii) receiving examination information that uses language that is substantially similar to that used in questions and/or answers on ARRT examinations from an examinee, whether requested or not; and/or

(iii) copying, publishing, reconstructing (whether by memory or otherwise), reproducing or transmitting any portion of examination materials by any means, verbal or written, electronic or mechanical, without the prior express written permission of ARRT or using professional, paid or repeat examination takers or any other individual for the purpose of reconstructing any portion of examination materials; and/or

(iv) using or purporting to use any portion of examination materials that were obtained improperly or without authorization for the purpose of instructing or preparing any Candidate for examination or certification; and/or

(v) selling or offering to sell, buying or offering to buy, or distributing or offering to distribute any portion of examination materials without authorization; and/or

(vi) removing or attempting to remove examination materials from an examination room, or having unauthorized possession of any portion of or information concerning a future, current, or previously administered examination of ARRT; and/or

(vii) disclosing what purports to be, or under all circumstances is likely to be understood by the recipient as, any portion of or “inside” information concerning any portion of a future, current, or previously administered examination of ARRT; and/or

(viii) communicating with another individual during administration of the examination for the purpose of giving or receiving help in answering examination questions, copying another Candidate’s answers, permitting another Candidate to copy one’s answers, or possessing unauthorized materials including, but not limited to, notes; and/or

(ix) impersonating a Candidate or permitting an impersonator to take or attempt to take the examination on one’s own behalf; and/or

(x) the use of any other means that potentially alters the results of the examination such that the results may not accurately represent the professional knowledge base of a Candidate.

3. Convictions, criminal proceedings, or military court-martials as described below:

(i) conviction of a crime, including a felony, a gross misdemeanor, or a misdemeanor, with the sole exception of speeding and parking violations. All alcohol and/or drug related violations must be reported. Offenses that occurred while a juvenile and that are processed through the juvenile court system are not required to be reported to ARRT.

(ii) criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld, deferred, or not entered or the sentence is suspended or stayed; or a criminal proceeding where the individual enters a plea of guilty or nolo contendere (no contest); or where the individual enters into a pre-trial diversion activity.

(iii) military court-martials related to any offense identified in these Rules of Ethics.

4. Violating a rule adopted by a state or federal regulatory authority or certification board resulting in the individual’s license, permit, registration or certification being denied, revoked, suspended, placed on probation, or subjected to any conditions, or failing to report to ARRT any of the violations or actions identified in this Rule.

5. Performing procedures which the individual is not competent to perform through appropriate training and/or education or experience unless assisted or personally supervised by someone who is competent (through training and/or education or experience).

6. Engaging in unprofessional conduct, including, but not limited to:

(i) a departure from or failure to conform to applicable federal, state, or local governmental rules regarding radiologic technology practice or scope of practice; or, if no such rule exists, to the minimal standards of acceptable and prevailing radiologic technology practice;

(ii) any radiologic technology practice that may create unnecessary danger to a patient's life, health, or safety. Actual injury to a patient or the public need not be established under this clause.

7. Delegating or accepting the delegation of a radiologic technology function or any other prescribed healthcare function when the delegation or acceptance could reasonably be expected to create an unnecessary danger to a patient's life, health, or safety. Actual injury to a patient need not be established under this clause.

8. Actual or potential inability to practice radiologic technology with reasonable skill and safety to patients by reason of illness; use of alcohol, drugs, chemicals, or any other material; or as a result of any mental or physical condition.

9. Adjudication as mentally incompetent, mentally ill, a chemically dependent person, or a person dangerous to the public, by a court of competent jurisdiction.

10. Engaging in any unethical conduct, including, but not limited to, conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established under this clause.

11. Engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient; or engaging in sexual exploitation of a patient or former patient. This also applies to any unwanted sexual behavior, verbal or otherwise, that results in the termination of employment.

12. Revealing a privileged communication from or relating to a former or current patient, except when otherwise required or permitted by law, or using or releasing confidential patient information in violation of HIPAA.

13. Knowingly engaging or assisting any person to engage in, or otherwise participating in, abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws.

14. Improper management of patient records, including failure to maintain adequate patient records or to furnish a patient record or report required by law; or making, causing, or permitting anyone to make false, deceptive, or misleading entry in any patient record.

15. Knowingly assisting, advising, or allowing a person without a current and appropriate state permit, license, or registration certificate or a current certificate of registration with ARRT to engage in the practice of radiologic technology, in a jurisdiction which requires a person to have such a current and appropriate state permit, license, or registration certificate or a current and

appropriate registration of certification with ARRT in order to practice radiologic technology in such jurisdiction.

16. Violating a state or federal narcotics or controlled substance law.

17. Knowingly providing false or misleading information that is directly related to the care of a former or current patient.

18. Subverting, attempting to subvert, or aiding others to subvert or attempt to subvert ARRT's Continuing Education (CE) Requirements for Renewal of Registration. Conduct that subverts or attempts to subvert ARRT's Continuing Education Requirements includes, but is not limited to:

\_\_\_\_\_ (i) providing false, inaccurate, altered, or deceptive information related to CE activities to ARRT or an ARRT recognized CE recordkeeper;

\_\_\_\_\_ (ii) assisting others to provide false, inaccurate, altered, or deceptive information related to CE activities to ARRT or an ARRT recognized CE recordkeeper;

\_\_\_\_\_ (iii) conduct that results or could result in a false or deceptive report of CE completion;  
or

\_\_\_\_\_ (iv) conduct that in any way compromises the integrity of the CE Requirements such as sharing answers to the post-tests or CE self-learning activities, providing or using false certificates of participation, or verifying CE credits that were not earned.

19. Subverting or attempting to subvert the ARRT certification or registration process by:

\_\_\_\_\_ (i) making a false statement or knowingly providing false information to ARRT; or

\_\_\_\_\_ (ii) failing to cooperate with any investigation by the ARRT.

20. Engaging in false, fraudulent, deceptive, or misleading communications to any person regarding the individual's education, training, credentials, experience, or qualifications, or the status of the individual's state permit, license, or registration certificate in radiologic technology or certificate of registration with ARRT.

21. Knowing of a violation or a probable violation of any Rule of Ethics by any Certificate Holder or Candidate and failing to promptly report in writing the same to the ARRT.

22. Failing to immediately report to his or her supervisor information concerning an error made in connection with imaging, treating, or caring for a patient. For purposes of this rule, errors include any departure from the standard of care that reasonably may be considered to be potentially harmful, unethical, or improper (commission). Errors also include behavior that is negligent or should have occurred in connection with a patient's care, but did not (omission). The duty to report under this rule exists whether or not the patient suffered any injury.

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# CHAPTER 1

## GENERAL PROVISIONS

**Section 1. Authority.** These rules and regulations are promulgated by the Wyoming Board of Radiologic Technologist Examiners pursuant to their authority under the Radiologic Technologist Licensing Act, W.S. 33-37-101 through 33-37-113.

**Section 2. Statement of Purpose.** The Board of Radiologic Technologist Examiners rules and regulations are set forth for the purpose of interpreting, administering and implementing W.S. 33-37-101 through 33-37-113, providing for the licensure of technologists and technicians, regulating the qualifications and standards of education and performance required for licensure and licensure renewal, enforcement and penalties, and setting fees.

**Section 3. Severability.** If any provision of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

**Section 4. Terms Defined by Statute.** Terms defined in W.S. § 33-37-101 through 33-37-113 shall have the same meaning when used in these regulations unless the context or subject matter clearly requires a different interpretation.

**Section 5. Terms Defined Herein.** As used in these regulations, the following terms shall have the meanings set forth unless the context or subject matter clearly requires a different interpretation.

- (a) "ARRT" means the American Registry of Radiologic Technologists.
- (b) "Body Area" means a specific portion of the human anatomy.
- (c) "Contrast Media" means material intentionally administered to the human body to define parts which are not normally visualized radiographically.
- (d) "CBRPA" means the Certification Board for Radiology Practitioner Assistant.
- (e) "DEXA" means Dual Energy X-ray Absorption (Bone Densitometry)
- (f) "Direct Supervision" means the licensed physician must be present on the premises and immediately available to furnish assistance and direction throughout the performance of the procedure.
- (g) "Fluoroscopic procedures" means continuous or real time x-ray imaging.
- (h) "JRCERT" means Joint Review Committee on Education in Radiologic Technology.

- (i) "Limited Scope Examination" means an examination administered by ARRT.
- (j) "NMTCB" means the Nuclear Medicine Technology Certification Board.
- (k) "Nuclear Medicine" means the specialized use of radioisotopes for diagnostic or therapeutic purposes.
- (l) "Nuclear Medicine Technologist" means an individual, who may or may not be a radiologic technologist, with specialized training in the application of ionizing radiation and radiopharmaceuticals for therapeutic and/or diagnostic purposes.
- (m) "Proficiency" means performing a given art, skill or branch of learning with expert correctness and facility.
- (n) "Radiation Therapy" means the specialized use of ionizing radiation for therapeutic purposes.
- (o) "Radiologic Technician" means a person who has met minimum requirements for a restricted license and works under the direct supervision of a licensed practitioner.
- (p) "Radiologic Technologist" means a person who has met minimum requirements for a general license to apply ionizing radiation or radiopharmaceutical agents to humans for diagnostic or therapeutic purposes.
- (q) "Radiologist" means a medical practitioner licensed in the State of Wyoming specializing in the practice of radiology, nuclear medicine or radiation therapy.
- (r) "Special Procedures" means a minimally invasive image guided procedure for diagnosis and treatment.
- (s) "Technique" means any adjustment of radiation producing equipment.



## **CHAPTER 2**

### **ORGANIZATION AND PROCEDURES OF THE BOARD**

**Section 1. Officers.** The Chair shall be elected at the first meeting each year by a majority vote of the Board.

**Section 2. Meetings of the Board.**

(a) The Board shall meet quarterly at a date, place and time established by the Chair with special meetings held as requested by the Chair or by a majority of the members.

(b) Notice of Board meetings shall be given to any person who requests such notice as specified by the Wyoming Administrative Procedures Act. The notice shall specify the time and place of the meeting and the business to be transacted.

(c) All meetings shall be open to the public and held in accordance with W.S. 16-4-401 through 408. The Board may conduct executive sessions in accordance with W.S. § 16-4-405(a).

(d) A majority of the Board members constitutes a quorum. The act of the majority of the quorum shall be the act of the Board of Radiologic Technologist Examiners.

(e) A written record shall be kept of all meetings and such records shall be retained as the permanent record of the transactions of the Board.

(f) The Chair may conduct meetings and Board business electronically as a means of conserving funds and expediting appropriate business.

(g) Board Members may be designated and empowered to conduct complaint investigations, and make recommendations on complaints.

## **CHAPTER 3**

### **RADIOLOGIC TECHNOLOGIST**

**Section 1. Scope of Practice.** The radiologic technologist issued a general license has demonstrated proficiency in equipment operation, image production, radiation protection, quality control, and patient care and education. A licensed radiologic technologist is able to assist a licensed practitioner with all aspects of special procedures, use of contrast media, assist with fluoroscopy, radioisotopes or therapeutic procedures as may be required.

#### **Section 2. License Required.**

(a) No individual shall perform any act specifically authorized for a radiologic technologist, nor function as a radiologic technologist, nor represent themselves as a radiologic technologist unless that individual holds a current general license issued by the Board.

(b) Every radiologic technologist shall display their license at all times in a conspicuous location readily accessible to all clients at their place of business.

**Section 3. Requirements for Licensure.** It is the sole responsibility of the applicant to ensure that the Board receives all documentation necessary to prove to the Board's satisfaction that the applicant meets all the requirements for licensure herein.

(a) General: The applicant shall provide satisfactory evidence to the Board that they:

(i) are at least eighteen (18) years of age, and

(ii) are legal inhabitants of the United States, and

(iii) have not been convicted of a felony or misdemeanor involving moral turpitude or controlled substances unless the applicant can show the Board to its satisfaction that such conviction will not impair the applicant's ability to provide competent health care or pose a threat to the safety of the consumer public, and

(iv) satisfy the requirements established in these rules.

(b) Education: The Board shall recognize for licensure successful completion of any course of study in radiologic technology as approved by JRCERT or other accrediting agencies recognized by ARRT, which have been approved by the Board.

(c) Examination: The Board shall recognize for general licensure successful completion of the National Registry Exam as administered by ARRT, NMTCB, or CBRPA.

#### **Section 4. Temporary License.**

(a) The Board may issue a temporary license to an applicant who has satisfied all of the requirements for a general license with the exception of passing the required examination.

(b) The Board shall not grant more than one (1) temporary license to the same individual.

(c) The temporary license shall expire fifteen (15) days after the date of the scheduled examination and are not renewable.

**Section 5. Special License.** The Board may issue a special license to a student technologist to practice as a radiologic technologist if a regional hardship or emergency condition exists. The student shall be currently enrolled as a nuclear medicine technologist or in their second year and in good standing in a radiology college program in radiologic technology as approved by JRCERT for qualification of a special license under the terms of these rules and regulations.

(a) The applicant must meet criteria as defined in Section 3(a).

(b) The applicant must be considered proficient as a radiologic or nuclear medicine technologist as described in the Act by the employer, the radiologist or other licensed practitioner making the request, and the college program director. The Board retains the right to further investigate the individual's competence before issuance.

(c) The Board shall not grant more than one (1) special license to the same individual.

(d) A special license will be issued for the individual to work at the facility designated by the written notifications sent from the employer, licensed practitioner and radiologist.

(e) Special licenses shall expire twelve (12) months from the date of issuance and are not renewable.

## **CHAPTER 4**

### **RADIOLOGIC TECHNICIAN**

#### **Section 1. Scope of Practice.**

(a) The radiologic technician issued a restricted license may select technique, position patients, critique films and apply radiation to persons for diagnostic purposes under specific direction of a person licensed to prescribe the examinations and must work under the direct supervision of a licensed practitioner. A radiologic technician shall not perform special procedures, fluoroscopic procedures or contrast media studies.

(b) The practice of a radiologic technician shall be limited to specific body areas, which shall appear on the license, and may include no more than three (3) of the following areas:

- (i) Skull/Sinuses
- (ii) Chest
- (iii) Spine
- (iv) Extremities inclusive of upper and lower extremities, pectoral girdle and pelvis.
- (v) Podiatric Radiography

(c) A restricted license may be issued to perform only Bone Densitometry of central and peripheral anatomical sites (DEXA).

#### **Section 2. License Required.**

(a) No individual shall perform any act specifically authorized for a radiologic technician, nor function as a radiologic technician, nor represent themselves as a radiologic technician unless that individual holds a current restricted license issued by the Board.

(b) Every radiologic technician shall display their license at all times in a conspicuous location readily accessible to all clients at their place of business.

**Section 3. Requirements for Licensure.** It is the sole responsibility of the applicant to ensure that the Board receives all documentation necessary to prove to the Board's satisfaction that the applicant meets all the requirements for licensure herein.

(a) General: The applicant shall provide satisfactory evidence to the Board that they:

- (i) are at least eighteen (18) years of age, and

(ii) are legal inhabitants of the United States, and

(iii) have not been convicted of a felony or misdemeanor involving moral turpitude or controlled substances unless the applicant can show the Board to its satisfaction that such conviction does not impair the applicant's ability to provide competent health care or pose a threat to the safety of the consumer public, and

(iv) satisfy the requirements established in these rules.

(b) Examination:

(i) The Board shall recognize for restricted licensure successful completion of the Limited Scope Examination and the Bone Densitometry Equipment Operator Examination as administered by ARRT.

(ii) An applicant must achieve a seventy-five percent (75%) passing score on the Core exam and a seventy-five percent (75%) passing score for each specific body area exam.

(iii) An applicant is not eligible for re-examination until six (6) months after the failed examination.

## CHAPTER 5

### APPLICATION PROCEDURES

#### Section 1. General Application Procedures.

(a) The Board shall not review an individual's credentials prior to receiving a complete application. An individual is considered an applicant once they have submitted:

(i) A complete official application form accompanied by the application fee, and

(ii) Appropriate proof of legal presence in the U.S.

(b) All documents submitted in support of the application shall be submitted directly to the office of the Board from the source and not forwarded through the applicant.

(c) The completion of all requirements for licensure shall be documented within one (1) year of the date the application was received by the Board, otherwise the application will be deemed incomplete and closed without further notice.

**Section 2. General License.** In addition to the documents required in Section 1(a) an applicant for general licensure as a radiologic technologist shall submit a copy of a current ARRT, NMTCB or CBRPA certification card. If the applicant does not hold a current ARRT, NMTCB or CBRPA certification, the applicant shall submit:

(a) An official transcript verifying successful completion of a course of study in radiologic technology as approved by JRCERT or other accrediting agencies recognized by ARRT, which have been approved by the Board, submitted directly to the office of the Board from the educational institution, and

(b) An official exam score verifying successful completion of the National Registry Exam as administered by ARRT, NMTCB, or CBRPA submitted directly to the office of the Board from the examination provider.

**Section 3. Temporary License.** In addition to the documents required in Section 1(a) an applicant for a temporary license as a radiologic technologist shall submit official verification from ARRT, NMTCB or CBRPA indicating the specific scheduled examination date.

**Section 4. Special License.** In addition to the documents required in Section 1(a) an applicant for a special license as a radiologic technologist shall submit:

(a) Written notification from a licensed practitioner, citing a regional hardship or emergency condition, submitted directly to the office of the Board from the licensed practitioner.

(b) Written notifications on letterhead, with the name of the applicant and an

original signature, stating the applicant's proficiency as a radiologic technologist submitted directly to the office of the Board from the author. Written notifications shall be sent from:

- (i) the employer, and
- (ii) a licensed radiologist, and
- (iii) the college program director.

**Section 5. Restricted License.** In addition to the documents required in Section 1(a) an applicant for restricted licensure as a radiologic technician shall request an official exam score verifying successful completion of the Limited Scope Examination, and/or the Bone Densitometry Equipment Operator Examination for DEXA, as administered by ARRT, or other examination as approved by the Board, submitted directly to the office of the Board from the examination provider or another state jurisdiction.

**Section 6. Notification of Applicants and Right of Appeal.** When an applicant has submitted evidence that they have satisfied all the standards for licensure, the Board shall review the application and notify the applicant of its decision in writing. If the applicant is denied on the basis of initial application materials, the reasons for this rejection shall be communicated in writing. The applicant shall have the right of reconsideration as established in Chapter 9.

**Section 7. Issuance of License.** The Board shall issue a wall certificate and one (1) pocket ID card to the successful applicant bearing the full name of the holder, license serial number, date of issuance, expiration date, and appropriate seal. Wall certificates for a restricted license shall also reflect the approved body areas. Wall certificates for a special license shall also reflect the name of their employer. A wall certificate will not be issued for a temporary license.

**Section 8. Change of Name, Address or Telephone Number.**

(a) Licensees shall register with the Board any change in their legal name, shall submit documentation demonstrating the change of name, appropriate fee and shall surrender the old wall certificate and a new wall certificate shall be issued by the Board.

(b) Each applicant and licensee shall file with the Board their current home and professional mailing addresses and telephone numbers and shall report to the Board in writing any change of addresses or telephone numbers, giving both old and new addresses and telephone numbers.

## **CHAPTER 6**

### **LICENSE RENEWAL**

#### **Section 1. Renewal Requirements.**

(a) General license holders shall earn a minimum of twenty-four (24) contact hours of continuing education during each renewal period.

(b) Restricted License holders shall earn a minimum of six (6) contact hours of continuing education during each renewal period.

**Section 2. Renewal Application Procedures.** Licenses may be renewed by providing the Board with the following:

(a) Payment of the renewal fee;

(b) Complete application for renewal; and

(c) Proof of compliance with the continuing education requirements. As proof of compliance the Board will accept:

(i) A copy of a current ARRT, NMTCB, or CBRPA certification card, or

(ii) Copies of certificates of attendance showing completion of acceptable continuing education activities. Certificates shall contain the activity title, date(s), contact hours attended, sponsor, presenter, qualifications of the presenter, the name of the licensee holder, and shall be signed by the sponsor or the presenter.

**Section 3. Continuing Education.** Continuing education hours shall be earned based on the standards established for ARRT certification renewal.

(a) Contact hours shall be the actual number of hours during which instruction was received. A contact hour shall consist of not less than fifty (50) minutes of actual instruction or presentation. For academic courses, one (1) semester credit equals fifteen (15) contact hours. One (1) quarter credit equals ten (10) contact hours.

(b) Only those hours acquired during the renewal period will be considered.

(c) The following standards shall govern acceptability of continuing education activities:

(i) These activities shall have significant intellectual or practical content, and the primary objective shall be to increase the participant's competence within the profession.



(ii) These activities shall directly relate to the scope of practice for the profession.

(d) Licensees shall attest to the number of continuing education hours completed.

(e) Licensees shall report their continuing education activities in a manner determined by the Board.

(f) Licensees shall maintain copies of any certificates of attendance, letters certifying attendance, transcripts, or any official documents which serve as proof of participation or attendance for at least two (2) years from the date submitted for renewal.

(g) Licensees are responsible for maintaining their own continuing education documentation.

(h) The Board shall mail a renewal notice to active licensees at their address of record no later than thirty (30) days before the license expiration date.

(i) Renewal applications shall not be accepted more than one hundred twenty (120) days prior to the expiration date.

(j) Renewal applications received by the Board which are postmarked after the expiration date, or after the next business day in cases when the expiration date falls on a weekend or holiday, will not be accepted by the Board, and the license will become null and void for failure to timely and sufficiently secure renewal.

(k) Failure to receive notice for renewal of license from the Board does not excuse a licensee from the requirement for renewal under the Act and this rule.

#### **Section 4. Exemption From Continuing Education.**

(a) A licensee may be exempted from a portion of the continuing education required for the renewal of their license if during the current renewal period if the licensee otherwise meets all renewal requirements and experiences a physical disability, illness or other disabling situation exceeding one hundred and eight (180) or more consecutive days in any calendar year.

(b) The number of hours exempted shall be in proportion to the length of disability or situation.

(c) The licensee claiming an exemption shall provide supporting documentation from a third party acceptable to the Board.

## CHAPTER 7

### FEES

**Section 1. Statement of Purpose.** These rules and regulations are adopted to implement the Board's authority to determine and collect reasonable fees in an amount to cover the cost of administration.

**Section 2. General Information.**

(a) Fees shall be payable in the exact amount for all services and shall be paid in advance of the services rendered.

(b) All fees collected by the Board are non-refundable regardless of the outcome.

(c) Applications shall not be considered by the Board unless accompanied by the application fee.

**Section 3. Fees.** Services for which the Board charges a fee shall include but not be limited to the following fee schedule:

(a) Examination Fees

(i) ARRT Limited Scope Examination as established by ARRT

(ii) Retakes of ARRT Limited Scope Examination as established by ARRT

(b) Application Fees

(i) General License \$225.00

(ii) Restricted License \$160.00

(iii) Special License \$200.00

(iv) Temporary License \$175.00

(c) Renewal Fees

(i) General License (bi-annual) Renewal \$100.00

(ii) Restricted License (annual) Renewal \$40.00

(d) Other Fees

(i) License Verification \$10.00

Payable by cashier's check or money order only.

(ii)	Duplicate Certificate	\$10.00
(iii)	Duplicate Pocket Cards	\$5.00
(iv)	Copy/Print Fee	\$.25 per page
(v)	Non-sufficient Funds in accordance with W.S. 1-1-115.	

## CHAPTER 8

### PROFESSIONAL CONDUCT AND GROUNDS FOR ACTION

**Section 1. Board Authorization.** The Board is authorized to censure, revoke, suspend or restrict the licenses of persons violating provisions of the Act pursuant to W.S. 33-37-111.

**Section 2. Grounds.** In addition to the grounds outlined in W.S. 33-37-111, the Board may take action for unprofessional or unethical conduct.

**Section 3. Unprofessional Conduct.** The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of persons whose activities are regulated by the Board.

(a) The Code of Ethics and Rules of Ethics from the ARRT Standards of Ethics are adopted by reference herein and are incorporated as Appendix A. All references to “radiologic technologist” shall apply to all persons licensed by the Board. Where the ARRT Code of Ethics and Rules of Ethics conflict with the Act and/or these rules and regulations, the Act and rules and regulations shall control.

(b) Unprofessional conduct shall include, but not be limited to:

(i) Violation of any provision of the adopted ARRT Rules of Ethics.

(ii) Subverting or attempting to subvert the licensure process by:

(A) making a false statement or knowingly providing false information to the Board; or

(B) failing to cooperate with any investigation by the Board.

(iii) Engaging in false, fraudulent, deceptive, or misleading communications to any person regarding the individual’s education, training, credentials, experience, or qualifications, or the status of the individual’s license in radiologic technology issued by the Board.

(iv) Knowingly assisting, advising, or allowing a person without a current and appropriate license to engage in the practice of radiologic technology.

**Section 4. Suspension of License.** Emergency suspension pursuant to W.S. § 16-3-113(c); The Board may temporarily suspend a license if the Board finds that the public health, safety or welfare imperatively requires emergency action. The Board shall notify the technologist or technician of the grounds for suspension immediately and shall promptly institute formal proceedings hereunder.

## **CHAPTER 9**

### **APPLICATION REVIEW, COMPLAINTS, AND HEARING PROCEDURES**

**Section 1. Authority.** These rules are promulgated by authority of W.S. 16-3-102, W.S. 33-37-105 and 33-37-111.

**Section 2. Purpose.** The Board establishes these rules to provide a fair and efficient method for investigating complaints and conducting administrative hearings relative to refusal of license, refusal of renewal, suspension or revocation of licenses, and these procedures may be utilized when a formal hearing is necessary for other purposes as well.

#### **Section 3. Application Review Process.**

(a) Application denial hearings.

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The hearing is to be conducted in the presence of a quorum of the Board with a hearing officer presiding.

(iii) The applicant has the burden of proving that he/she meets all requirements for the license requested.

(iv) If an applicant requests an administrative hearing on the denial of their application, the procedure for that hearing will be the same as the formal hearing procedure outlined in this Chapter.

#### **Section 4. Complaints.**

(a) A disciplinary review is initiated against a licensee by submitting a written complaint to the Board Office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member, or a member of the Board staff. The written complaint should provide as much of the following information as may be available and applicable:

(i) The name, address, place of employment, and telephone number of the licensee against whom the charges are made;

(ii) The name, address and telephone number of complainant;

(iii) The specific conduct alleged to constitute the violation;

(iv) The names, addresses, and telephone numbers of any other witnesses;

and

(v) The signature of the complainant.

(b) The Board may also initiate and investigate complaints based upon its own knowledge, without a written complaint being filed.

**Section 5. Review of Written Complaint.** Written complaints shall be referred to an Investigative Board Member (IBM) selected by Board staff from a rotating schedule. The IBM shall promptly advise the Board staff of any known potential conflicts of interest. Licensees against whom charges are made will be advised of the investigation, the name of the IBM, and the nature of the complaint.

(a) The IBM shall not take part in the consideration of any contested case.

(b) The IBM shall not, by this rule, be barred from attending any disciplinary hearing.

**Section 6. Investigations and Board Action.**

(a) The IBM and Board staff shall investigate those written complaints received which merit further investigation. An independent investigator may be hired if the IBM deems it necessary.

(b) Upon completion of the investigation, the IBM shall:

(i) Dismiss the complaint if no violation of the Act or Board rules is found; or

(ii) Prepare an investigative report which shall include:

(A) The findings;

(B) A list of statutes and/or Board rules believed to have been violated; and

(C) Any relevant additional information.

(c) The IBM shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.

(d) Following consultation with the Assistant Attorney General, the IBM may:

(i) Send the notice required by Section 7;

(ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;

(iii) Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;

(iv) Recommend the Board dismiss the complaint.

(e) The Board may resolve a complaint at any time by:

(i) Sending a written letter of advice;

(ii) Accepting a voluntary surrender of a license;

(iii) Accepting conditional terms for settlement;

(iv) Dispensing with it in an informal matter; or

(v) Dismissal.

**Section 7. Notice and Opportunity to Show Compliance.** Prior to commencing formal proceedings or taking disciplinary action, the IBM shall give notice by mail to the licensee of the facts or conduct which warrant the intended action. The notice shall give the licensee an opportunity to show compliance with all lawful requirements for retention of the license within twenty (20) days of the mailing of the notice. Such notice shall be sent to the licensee's last known address by certified mail with return receipt requested and by first class mail.

**Section 8. Formal Hearing Procedures.** Formal proceedings for a hearing before the Board regarding action against a licensee shall be commenced by petition and notice of hearing, served in person, or by both certified mail return receipt requested and first class mail sent to the address last known by the Board at least thirty (30) days prior to the date set for the hearing. The petition and notice shall contain at least:

(a) The name and address of the licensee;

(b) A statement in ordinary and concise language, of the nature of the complaint filed with the Board, the facts upon which the complaint is based, as well as the specific statute(s) or Board Rules and Regulations alleged to have been violated;

(c) The time, place, and nature of the hearing;

(d) That the hearing is being held pursuant to the authority provided by W.S. 33-37-111, and

(e) That the licensee shall file an Answer or Notice of Appearance, which must be

received by the Board at least ten (10) working days prior to the date set for hearing, or the licensee will be in default.

**Section 9. Continuance.** For good cause shown, extensions and continuances may be granted or denied at the discretion of the Board or the hearing officer.

**Section 10. Default.** The Board may enter an order based on the allegations in a petition in any case where the licensee has not answered in writing ten (10) working days before the hearing, or in any case in which the licensee, or his/her representative, has not appeared at a scheduled hearing for which they had notice.

**Section 11. Hearing Officer.** The Board may appoint a hearing officer to take evidence at the hearing, or the chairperson or a Board member may serve as the hearing officer.

**Section 12. Discovery.** In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act.

**Section 13. Subpoenas.**

(a) A Board member or the hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths.

(b) Service of a subpoena must be made at the expense of the party applying for it and shall be made in the manner provided by law for service of subpoenas in civil actions.

**Section 14. Witnesses.**

(a) All persons testifying at any hearing before the Board shall be administered a standard oath or affirmation.

(b) No testimony will be received from a witness except under oath or affirmation.

(c) The party calling a witness shall bear the costs associated with his/her appearance.

(d) The Board and hearing officer shall have an opportunity to examine any witness.

**Section 15. Representation.**

(a) A licensee may represent him/herself or be represented by counsel, provided that such counsel is licensed to practice law in the State of Wyoming or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.



(b) In any case before the Board, an appearance in person or the filing of an answer or other pleading shall constitute an appearance of record by an attorney.

(c) A request for withdrawal from representation by an attorney shall be submitted to the Board in writing.

(d) The Assistant Attorney General assigned to the Board for prosecution shall present all matters in a contested case on behalf of the IBM.

#### **Section 16. Prehearing Conference.**

- (a) The hearing officer may direct the parties to appear before him/her to consider:
- (i) The issues;
  - (ii) Amending the pleadings;
  - (iii) The possibility of obtaining admissions of fact and of documents to avoid unnecessary proof;
  - (iv) Formulating procedures to govern the hearing; and
  - (v) Such other matters as may aid in the presentation or disposition of the case.

(b) Prehearing conferences shall be conducted informally. An order will be prepared which recites the actions taken at the conference, amendments allowed, agreements of the parties, and the issues to be determined at the hearing.

**Section 17. Order of Procedure at Hearing.** Hearings may be conducted substantially in the following order:

(a) Opening announcements are made by the hearing officer, including case name and docket number, the issue(s) to be considered, parties and counsel present, and subpoenas issued;

(b) Witnesses should be identified and sworn;

(c) Opening statements may be made at the discretion of the hearing officer. In cases of license denial, the applicant should go first. In disciplinary cases the IBM should go first;

(d) Presentation of Evidence. The order above will be followed with each party, the hearing officer, and the Board having the opportunity to cross-examine the witnesses. Rebuttal evidence may be presented;

(e) Exhibits offered in evidence by the licensee will be marked with the letters of the alphabet. Those offered by the IBM will be marked numerically;

(f) Closing arguments may be made at the discretion of the hearing officer. Time may be limited, the order of presentation is as above, and brief rebuttal time may be allowed. The hearing and the evidence are then closed, unless reopened by the hearing officer for good cause shown.

### **Section 18. Decisions.**

(a) Proposed Decisions:

(i) At the discretion and direction of the Board, the parties may file proposed findings of fact, conclusions of law, and order after the hearing and before the deadline announced in the hearing's closing announcements.

(ii) At the discretion and direction of the Board, the hearing officer shall prepare proposed findings of fact, conclusions of law, and order.

(b) Final Decisions. Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. All final decisions issued by the Board shall be served to all parties by first class mail sent to their last known address.

**Section 19. Appeals.** A Petition for Judicial Review of the Board decision may be filed in the appropriate district court in accordance with the Wyoming Rules of Appellate Procedure.

**Section 20. Transcripts.** If a Petition for Judicial Review is filed in the district court, the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or reimburse the Board for the cost of the transcript if previously prepared at Board expense.

## **Appendix A**

### **American Registry of Radiologic Technologists Standards of Ethics**

#### **A. CODE OF ETHICS**

The Code of Ethics forms the first part of the *Standards of Ethics*. The Code of Ethics shall serve as a guide by which Certificate Holders and Candidates may evaluate their professional conduct as it relates to patients, healthcare consumers, employers, colleagues, and other members of the healthcare team. The Code of Ethics is intended to assist Certificate Holders and Candidates in maintaining a high level of ethical conduct and in providing for the protection, safety, and comfort of patients. The Code of Ethics is aspirational.

1. The radiologic technologist acts in a professional manner, responds to patient needs, and supports colleagues and associates in providing quality patient care.
2. The radiologic technologist acts to advance the principal objective of the profession to provide services to humanity with full respect for the dignity of mankind.
3. The radiologic technologist delivers patient care and service unrestricted by the concerns of personal attributes or the nature of the disease or illness, and without discrimination on the basis of sex, race, creed, religion, or socio-economic status.
4. The radiologic technologist practices technology founded upon theoretical knowledge and concepts, uses equipment and accessories consistent with the purposes for which they were designed, and employs procedures and techniques appropriately.
5. The radiologic technologist assesses situations; exercises care, discretion, and judgment; assumes responsibility for professional decisions; and acts in the best interest of the patient.
6. The radiologic technologist acts as an agent through observation and communication to obtain pertinent information for the physician to aid in the diagnosis and treatment of the patient and recognizes that interpretation and diagnosis are outside the scope of practice for the profession.
7. The radiologic technologist uses equipment and accessories, employs techniques and procedures, performs services in accordance with an accepted standard of practice, and demonstrates expertise in minimizing radiation exposure to the patient, self, and other members of the healthcare team.
8. The radiologic technologist practices ethical conduct appropriate to the profession and protects the patient's right to quality radiologic technology care.
9. The radiologic technologist respects confidences entrusted in the course of professional practice, respects the patient's right to privacy, and reveals confidential information only as required by law or to protect the welfare of the individual or the community.

10. The radiologic technologist continually strives to improve knowledge and skills by participating in continuing education and professional activities, sharing knowledge with colleagues, and investigating new aspects of professional practice.

## **B. RULES OF ETHICS**

The Rules of Ethics form the second part of the *Standards of Ethics*. They are mandatory standards of minimally acceptable professional conduct for all Certificate Holders and Candidates. Certification and Registration are methods of assuring the medical community and the public that an individual is qualified to practice within the profession. Because the public relies on certificates and registrations issued by ARRT, it is essential that Certificate Holders and Candidates act consistently with these Rules of Ethics. These Rules of Ethics are intended to promote the protection, safety, and comfort of patients. The Rules of Ethics are enforceable. Certificate Holders and Candidates engaging in any of the following conduct or activities, or who permit the occurrence of the following conduct or activities with respect to them, have violated the Rules of Ethics and are subject to sanctions as described hereunder:

1. Employing fraud or deceit in procuring or attempting to procure, maintain, renew, or obtain or reinstate certification or registration as issued by ARRT; employment in radiologic technology; or a state permit, license, or registration certificate to practice radiologic technology. This includes altering in any respect any document issued by the ARRT or any state or federal agency, or by indicating in writing certification or registration with the ARRT when that is not the case.

2. Subverting or attempting to subvert ARRT's examination process. Conduct that subverts or attempts to subvert ARRT's examination process includes, but is not limited to:

(i) disclosing examination information using language that is substantially similar to that used in questions and/or answers from ARRT examinations when such information is gained as a direct result of having been an examinee; this includes, but is not limited to, disclosures to students in educational programs, graduates of educational programs, educators, or anyone else involved in the preparation of Candidates to sit for the examinations; and/or

(ii) receiving examination information that uses language that is substantially similar to that used in questions and/or answers on ARRT examinations from an examinee, whether requested or not; and/or

(iii) copying, publishing, reconstructing (whether by memory or otherwise), reproducing or transmitting any portion of examination materials by any means, verbal or written, electronic or mechanical, without the prior express written permission of ARRT or using professional, paid or repeat examination takers or any other individual for the purpose of reconstructing any portion of examination materials; and/or

(iv) using or purporting to use any portion of examination materials that were obtained improperly or without authorization for the purpose of instructing or preparing any Candidate for examination or certification; and/or

(v) selling or offering to sell, buying or offering to buy, or distributing or offering to distribute any portion of examination materials without authorization; and/or

(vi) removing or attempting to remove examination materials from an examination room, or having unauthorized possession of any portion of or information concerning a future, current, or previously administered examination of ARRT; and/or

(vii) disclosing what purports to be, or under all circumstances is likely to be understood by the recipient as, any portion of or “inside” information concerning any portion of a future, current, or previously administered examination of ARRT; and/or

(viii) communicating with another individual during administration of the examination for the purpose of giving or receiving help in answering examination questions, copying another Candidate’s answers, permitting another Candidate to copy one’s answers, or possessing unauthorized materials including, but not limited to, notes; and/or

(ix) impersonating a Candidate or permitting an impersonator to take or attempt to take the examination on one’s own behalf; and/or

(x) the use of any other means that potentially alters the results of the examination such that the results may not accurately represent the professional knowledge base of a Candidate.

3. Convictions, criminal proceedings, or military court-martials as described below:

(i) conviction of a crime, including a felony, a gross misdemeanor, or a misdemeanor, with the sole exception of speeding and parking violations. All alcohol and/or drug related violations must be reported. Offenses that occurred while a juvenile and that are processed through the juvenile court system are not required to be reported to ARRT.

(ii) criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld, deferred, or not entered or the sentence is suspended or stayed; or a criminal proceeding where the individual enters a plea of guilty or nolo contendere (no contest); or where the individual enters into a pre-trial diversion activity.

(iii) military court-martials related to any offense identified in these Rules of Ethics.

4. Violating a rule adopted by a state or federal regulatory authority or certification board resulting in the individual’s license, permit, registration or certification being denied, revoked, suspended, placed on probation, or subjected to any conditions, or failing to report to ARRT any of the violations or actions identified in this Rule.

5. Performing procedures which the individual is not competent to perform through appropriate training and/or education or experience unless assisted or personally supervised by someone who is competent (through training and/or education or experience).

6. Engaging in unprofessional conduct, including, but not limited to:

(i) a departure from or failure to conform to applicable federal, state, or local governmental rules regarding radiologic technology practice or scope of practice; or, if no such rule exists, to the minimal standards of acceptable and prevailing radiologic technology practice;

(ii) any radiologic technology practice that may create unnecessary danger to a patient's life, health, or safety. Actual injury to a patient or the public need not be established under this clause.

7. Delegating or accepting the delegation of a radiologic technology function or any other prescribed healthcare function when the delegation or acceptance could reasonably be expected to create an unnecessary danger to a patient's life, health, or safety. Actual injury to a patient need not be established under this clause.

8. Actual or potential inability to practice radiologic technology with reasonable skill and safety to patients by reason of illness; use of alcohol, drugs, chemicals, or any other material; or as a result of any mental or physical condition.

9. Adjudication as mentally incompetent, mentally ill, a chemically dependent person, or a person dangerous to the public, by a court of competent jurisdiction.

10. Engaging in any unethical conduct, including, but not limited to, conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established under this clause.

11. Engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient; or engaging in sexual exploitation of a patient or former patient. This also applies to any unwanted sexual behavior, verbal or otherwise, that results in the termination of employment.

12. Revealing a privileged communication from or relating to a former or current patient, except when otherwise required or permitted by law, or using or releasing confidential patient information in violation of HIPAA.

13. Knowingly engaging or assisting any person to engage in, or otherwise participating in, abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws.

14. Improper management of patient records, including failure to maintain adequate patient records or to furnish a patient record or report required by law; or making, causing, or permitting anyone to make false, deceptive, or misleading entry in any patient record.

15. Knowingly assisting, advising, or allowing a person without a current and appropriate state permit, license, or registration certificate or a current certificate of registration with ARRT to engage in the practice of radiologic technology, in a jurisdiction which requires a person to have such a current and appropriate state permit, license, or registration certificate or a current and

appropriate registration of certification with ARRT in order to practice radiologic technology in such jurisdiction.

16. Violating a state or federal narcotics or controlled substance law.

17. Knowingly providing false or misleading information that is directly related to the care of a former or current patient.

18. Subverting, attempting to subvert, or aiding others to subvert or attempt to subvert ARRT's Continuing Education (CE) Requirements for Renewal of Registration. Conduct that subverts or attempts to subvert ARRT's Continuing Education Requirements includes, but is not limited to:

(i) providing false, inaccurate, altered, or deceptive information related to CE activities to ARRT or an ARRT recognized CE recordkeeper;

(ii) assisting others to provide false, inaccurate, altered, or deceptive information related to CE activities to ARRT or an ARRT recognized CE recordkeeper;

(iii) conduct that results or could result in a false or deceptive report of CE completion;  
or

(iv) conduct that in any way compromises the integrity of the CE Requirements such as sharing answers to the post-tests or CE self-learning activities, providing or using false certificates of participation, or verifying CE credits that were not earned.

19. Subverting or attempting to subvert the ARRT certification or registration process by:

(i) making a false statement or knowingly providing false information to ARRT; or

(ii) failing to cooperate with any investigation by the ARRT.

20. Engaging in false, fraudulent, deceptive, or misleading communications to any person regarding the individual's education, training, credentials, experience, or qualifications, or the status of the individual's state permit, license, or registration certificate in radiologic technology or certificate of registration with ARRT.

21. Knowing of a violation or a probable violation of any Rule of Ethics by any Certificate Holder or Candidate and failing to promptly report in writing the same to the ARRT.

22. Failing to immediately report to his or her supervisor information concerning an error made in connection with imaging, treating, or caring for a patient. For purposes of this rule, errors include any departure from the standard of care that reasonably may be considered to be potentially harmful, unethical, or improper (commission). Errors also include behavior that is negligent or should have occurred in connection with a patient's care, but did not (omission). The duty to report under this rule exists whether or not the patient suffered any injury.

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