

EXHIBIT G

DEPARTMENT OF HEALTH, RADIATION CONTROL

SUBJECT: Radiologic Technology Licensure

DESCRIPTION: Revisions to Section V, Exemptions, add "chiropractic externs, bone densitometrists" to the list of those who are exempt. The section reads as follows:

SECTION V. EXEMPTIONS. A. Licensed Practitioners, individuals licensed to practice medicine, dentistry, podiatric medicine, chiropractic, optometry or osteopathy in this state, dental hygienists, registered dental assistants with the expanded duty of radiography, radiation health physicists, radiation medical physicists, chiropractic externs, bone densitometrists, and certified medical dosimetrists are exempt from the requirement of obtaining a license to apply ionizing radiation or administer radiopharmaceuticals.

PUBLIC COMMENT: A public hearing was held December 10, 2009, and the public comment period expired at that time. No written comments were submitted to the Department regarding the proposed rule. No oral comments were submitted at the public hearing. The Department received five (5) telephone inquiries to the Radiologic Technology Licensure Program, expressing confusion in the initial reading of the existing Exemption Language. Clarification was provided during each telephone conversation and at the public hearing, as follows: "There have been some questions regarding the exemptions section of the rules. These questions are from those concerned that a person exempt under this provision is free to apply ionizing radiation or administer radiopharmaceuticals without limitations. That is not the case. The legislature granted certain exemptions from the law. These exemptions were justified due to the low dosage of radiation that was being applied and/or the training that these individuals had received. However, the exemptions are only applicable when those individuals are acting within their scope of practice. In other words, dental hygienists are exempt from licensure when performing the duties of dental hygienists. He or she cannot practice nuclear medicine simply because they may be a licensed dental hygienist. The Department and Arkansas courts have a steadfast history of not engaging in absurd interpretations of our statutes. To interpret this provision in any other way would defy common sense and produce absurd results."

The proposed effective date is May 1, 2010.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 17-106-105(a)(1)(D) authorizes the Board of Health to "[a]dopt, publish, and from time to time revise such rules and regulations not inconsistent with the law as may be necessary to enable and carry out the provisions of [the Consumer-Patient Radiation Health and Safety Act]." Arkansas Code § 17-106-111(a) lists categories of individuals that are exempt from licensure under the Consumer-Patient Radiation Health and Safety Act. Act 1395 of 2003 added the category of bone densitometrists, and Act 1375 of 2009 added the category of chiropractic externs.

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ARKANSAS
RULES & REGULATIONS
PERTAINING TO RADIOLOGIC
TECHNOLOGY LICENSURE

PROPOSED
REVISIONS

2009

CONTENTS

PROPOSED CHANGES

At this time, we are proposing one (1) revision to Section V. EXEMPTIONS.
This is as follows:

- **Add** to Section V. EXEMPTIONS.

SECTION V. EXEMPTIONS

- A. Licensed Practitioners, individuals licensed to practice medicine, dentistry, podiatric medicine, chiropractic, optometry or osteopathy in this state, dental hygienists, registered dental assistants with the expanded duty of radiography, radiation health physicists, radiation medical physicists, **chiropractic externs, bone densitometrists**, and certified medical dosimetrists are exempt from the requirement of obtaining a license to apply ionizing radiation or administer radiopharmaceuticals.

RATIONALE

Act 1375 of 2009 added **chiropractic externs** to the list of individuals exempted from licensure.

Act 1395 of 2003 added **bone densitometrists** to the list of individuals exempted from licensure.

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