

Title 17. Professions, Occupations, and Businesses

Chapter XI. Department of Health, State Board of Health, Generally

Subchapter A. Generally

Part 49. Rules Pertaining to Radiologic Technology Licensure

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"SECTION I. AUTHORITY

These Rules pertaining to Radiologic Technology Licensure are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Act 1071 of 1999, as amended, (Ark. Code Ann. 17-106-101-111) and Act 96 of 1913 (Ark. Code Ann. 20-7-101 et seq)."

"Effective February 10, 2024"

"SECTION XXIV. SEVERABILITY

If any provision of these Rules or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or application, and to this end the provisions hereto are declared severable.

SECTION XXV. REPEAL

All rules and parts of rules in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules pertaining to Medical Ionizing Radiation Licensure were adopted by the Arkansas Board of Health at a regular session of the

Board held in the Arkansas Department of Health Board Room of the Freeway Medical Building on the 24th day of October 2019"

Subpart 1. Generally

17 CAR § 49-101. Purpose.

This part is adopted for the purpose of regulating and licensing persons administering ionizing radiation to human beings to help keep the radiation dose to patients as low as reasonably achievable.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-102. Definitions.

As used in this part:

(1) "ACRRT" means the American Chiropractic Registry of Radiologic Technologists;

(2) "Act" means Acts 1999, No. 1071, as amended (Arkansas Code § 17-106-111);

(3)(A) "Administering ionizing radiation" means the application of a prescribed dose of ionizing radiation to the human body for the purposes of diagnosis or treatment.

(B) Several factors determine the dose received by the patient and these include, but are not limited to the:

- (i) Positioning of the patient in a radiation field;
- (ii) Exposure to or introduction of ionizing radiation; and
- (iii) Final image production.

(C) Each of these factors are prime determinates in the total dose received by the patient;

(4) "Advanced practice nursing" means the delivery of healthcare services for compensation by professional nurses who have gained additional knowledge and skills

through successful completion of an organized program of nursing education that certifies nurses for advanced practice roles as:

- (A) Advanced nurse practitioners;
- (B) Certified nurse anesthetists;
- (C) Certified nurse midwives; and
- (D) Clinical nurse specialists;

(5) "Apprenticeship" means a program:

- (A) That meets the federal guidelines set out in 29 C.F.R. pt. 29, as existing on March 1, 2021; and
- (B) Approved by the United States Office of Apprenticeship as meeting the requirements of an apprenticeship;

(6) "ARRT" means the American Registry of Radiologic Technologists;

(7) "ASCP" means the American Society of Clinical Pathologists;

(8) "Automatic licensure" means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in this part;

(9) "Board" means the State Board of Health;

(10) "Category" means a specific area of radiologic sciences, for which there is an identified license and licensing requirements;

(11) "CCI" means Cardiovascular Credentialing International;

(12) "Committee" means the Medical Ionizing Radiation Licensure Committee;

(13) "Consumer" means a person who is a resident of the State of Arkansas and who is not a licensed practitioner or radiologic technologist or licensed technologist or limited licensed technologist under the act;

(14) "Continuing education hour" means a period of instruction at least fifty (50) to sixty (60) minutes in length;

(15) "Contrast media" means material intentionally administered to the human body to better define a part or parts radiographically;

(16) "Department" means the Department of Health;

(17) "Direct supervision of students" means responsibility for, and control of, radiation safety, protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic or therapeutic purposes, with the parameters that are outlined by educational accreditation agencies that are recognized by the State Board of Health;

(18) "Fluoroscopy" means a radiological examination that uses a fluorescent screen or image intensifier on which the internal structure of the human body may be continuously viewed by transmission of X-rays through the body;

(19) "Formal education" means education obtained through an approved United States Department of Education institution;

(20) "Formal examination" means an examination or evaluation specific to a profession which tests the knowledge base in all three (3) domains of learning:

(A) Cognitive;

(B) Affective; and

(C) Psychomotor;

(21) "Ionizing radiation" means:

(A) Gamma rays;

(B) X-rays;

(C) Alpha and beta particles;

(D) High-speed electrons;

(E) Protons;

(F) Neutrons; and

(G) Other nuclear particles;

(22) "JRCERT" means the Joint Review Committee for Education in Radiologic Technology;

(23) "Lapsed licensee" means a licensee who has let his or her Licensed Technologist license or Limited Licensed Technologist license, Radiologic Technologist license, Radiation Therapy Technologist license, or Nuclear Medicine Technologist license expire for more than five (5) years;

(24) "License" means a certificate issued by the Medical Ionizing Radiation Licensure Committee authorizing the licensee to use radioactive materials or medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes in accordance with this part;

(25) "Licensed practitioner" means a person licensed to practice medicine, dentistry, podiatric medicine, chiropractic, osteopathy, or optometry in this state;

(26) "Licensed radiologic technologist" means a person who:

(A) Holds a national registry with the ARRT, ACRRT, NMTCB, and/or ASCP; and

(B) Is licensed in the State of Arkansas;

(27) "Licensed technologist" means a person other than a licensed practitioner, who:

(A) Is grandfathered under the act and can perform specific radiologic procedures and exams identified by a specific license; and

(B) Administers radioactive substances or uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes while under the supervision of a licensed practitioner;

(28) "Limited license" means an authorization to perform radiologic procedures:

(A) Under the supervision of a licensed practitioner; and

(B) Limited to specific parts of the human body, specific procedures, or both, specifically of the chest and skeletal structures excluding fluoroscopy and contrast studies;

(29) "Limited licensed technologist" means a person, other than a licensed practitioner, radiologic technologist, or licensed technologist, while under the supervision of a licensed practitioner who:

(A) Operates medical equipment emitting ionizing radiation for diagnostic purposes on human beings that are limited to specific body parts; and

(B) Has successfully passed a limited scope examination deemed appropriate by the State Board of Health;

(30) "Medical Dosimetrist" means a person who is certified or eligible for certification by the Medical Dosimetry Certification Board;

(31) "NMTBC" means Nuclear Medicine Technology Certification Board;

(32) "Nuclear medicine technologist" means a person, other than a licensed practitioner, who:

(A) Performs therapeutic, in vivo, imaging, procedures, prepares radiopharmaceuticals, and administers diagnostic doses of radiopharmaceuticals to human beings while under supervision of a licensed practitioner; and

(B) Is licensed as required to possess and use radioactive materials;

(33) "Occupational or professional license" means a license, certificate, registration, permit, or other form of authorization required by law or rule for an individual to engage in a particular occupation or profession;

(34) "Occupational or professional licensing entity" means an office, board, commission, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession;

(35) "PET/CT license" means an authorization to perform radiologic procedures under the supervision of a licensed practitioner that is limited to radiologic procedures performed for PET/CT procedures;

(36) "PET/CT technologist" means a person other than a licensed practitioner, who has specific qualifications, education, certification, and responsibilities as recognized by the Medical Ionizing Radiation Licensure Committee;

(37) "Radiation health/medical physicist" means a person who is certified or eligible for certification in radiologic physics by the:

(A) American Board of Radiology;

(B) American Board of Health/Medical Physics; or

(C) American Board of Science in Nuclear Medicine;

(38) "Radiation practitioner" means a licensed practitioner who:

(A) Has completed a residency in radiology, nuclear medicine, or radiation oncology; and

(B) Is certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the American Board of Nuclear Medicine, or its equivalent;

(39) "Radiation Therapist" means a person, other than a licensed practitioner or nuclear medicine technologist, who applies radiation to humans for therapeutic purposes under the supervision of a licensed practitioner;

(40) "Radiographer" means a person other than a licensed practitioner, who:

(A) Uses medical equipment emitting ionizing radiation for human diagnostic purposes under the supervision of a licensed practitioner; and

(B) Holds a national certification obtained through education and examination, licensed under the act;

(41) "Radiography" means the practice of the theory and technical aspects of the use of X-rays which are used in the diagnosis and treatment of disease;

(42) "Radiologic technologist" means a person other than a licensed practitioner, who:

(A) Is identified by category;

(B) Administers radioactive substances or uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes under the supervision of a licensed practitioner; and

(C) Holds a national certification obtained through education and examination, licensed under the act;

(43) "Radiologic technology" is the science of using a radioactive substance or medical equipment emitting or detecting ionizing radiation of humans for diagnostic or therapeutic purposes;

(44) "Radiologic technology student" means an individual currently enrolled in and attending a school of radiologic technology, radiation therapy, or nuclear medicine with recognized educational accreditation who uses radioactive material on or applies ionizing radiation to a human being while under the supervision of a licensed practitioner or a licensed radiologic technologist;

(45) "RCIS" means Registered Cardiovascular Invasive Specialist;

(46) "RCIS license" means an authorization to perform radiologic procedures under the supervision of a licensed practitioner that are limited to fluoroscopic radiologic procedures performed for cardiovascular interventional procedures;

(47) "RCIS technologist" means a person other than a licensed practitioner, radiologic technologist, or licensed technologist, while under the supervision of a licensed practitioner who:

(A) Operates medical equipment emitting ionizing radiation for fluoroscopic cardiovascular interventional radiologic purposes on human beings that are limited to specific body parts and only for cardiovascular interventional procedures; and

(B) Has successfully completed educational requirements and passed an examination deemed appropriate by the Medical Ionizing Radiation Licensure Committee;

(48) "Reciprocity" means the State Board of Health may accept an applicant's current certificate, registration, or license issued by another state, provided that it is substantially similar and meets the requirements of 17 CAR § 49-107;

(49) "Retired" means a license holder who notifies the Department of Health in writing that the individual will cease the practice of radiologic technology;

(50)(A) "Scaled score" means a score that is consistent from exam to exam despite differences in difficulty that may be present among the exams.

(B) A scaled score takes into account any differences in exam difficulty.

(C) A scaled score represents the same level of performance for all exams;

(51) "Skeletal structures" means extremities, skull, sinuses, spine, ankle, and foot of the human body;

(52) "Suspended licensee" means a license holder who after sixty (60) days of expiration date, failed to pay the renewal fee and/or provide documentation of six (6) hours of continuing education credits; and

(53) "Temporary license" means a certificate issued by the State Board of Health, authorizing the applicant to use radioactive materials or medical equipment

emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes, when:

(A) Licensure or relicensure is pending before the State Board of Health;

and

(B) The issuance may be justified by special circumstances as determined by the State Board of Health;

(54) "Uniformed service member" means an:

(A) Active or reserve component member of the:

(i) United States Air Force;

(ii) United States Army;

(iii) United States Coast Guard;

(iv) United States Marine Corps;

(v) United States Navy;

(vi) United States Space Force; or

(vii) National Guard;

(B) Active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(C) Active or reserve component member of the United States Commissioned Corps of the Public Health Service; and

(55) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-103. General requirements and restrictions.

(a) No person, other than a licensed practitioner, radiologic technologist, licensed technologist, or limited licensed technologist shall use radioactive materials or medical equipment emitting or detecting ionizing radiation on human beings for diagnostic or therapeutic purposes.

(b) A person holding a license under the act or this part shall use medical equipment emitting or detecting ionizing radiation on a human being only by prescription of a licensed practitioner or an advanced practice nurse.

(c) No person shall knowingly or negligently employ a person to apply ionizing radiation or administer radiopharmaceuticals to a human being or otherwise engage in the practice of radiologic technology unless the person possesses a valid license issued under the provisions of the act or this part within that specific category.

(d) A person shall not apply ionizing radiation or administer radiopharmaceuticals to a human being or otherwise engage in the practice of radiologic technology unless the person possesses a valid license issued under the act or this part.

(e) Eligibility for retired status requires that the individual sign an agreement not to engage to any extent whatsoever in actual patient contact in the provision of:

(1) Radiologic technology;

(2) Management of radiologic technology; or

(3) Education of persons involved or seeking to become involved in radiologic technology, in commercial sales, services, or applications with respect to any aspect of radiologic technology or items, services, or devices used in that technology.

(f) Based on identified specific educational requirements and/or examinations, the State Board of Health may recognize emerging modalities in radiological sciences and procedures.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-104. 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.

(b) The requirement for a license shall not apply to a student enrolled in and attending a school of radiologic technology, radiation therapy, nuclear medicine technology, chiropractic radiologic technology, or cardiovascular intervention with recognized education accreditation, who uses radioactive material on or applies ionizing radiation to a human being for diagnostic or therapeutic purposes while under the supervision of a licensed practitioner or licensed radiologic technologist.

(c) The requirement for a license shall not apply to a student enrolled in and attending a healthcare profession school that is recognized by the United States Department of Education or the Arkansas Division of Higher Education that has radiologic sciences taught in part of the educational process who uses equipment emitting or detecting ionizing radiation.

(d) Nothing in the provisions of the act or this part relating to radiologic technology shall limit, enlarge, or affect the practice of licensed practitioners herein defined.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-105. Licenses required.

(a) A Radiologic Technologist license is required for any individual who:

(1) Holds a national registry with the:

(A) American Registry of Radiologic Technologists;

(B) Nuclear Medicine Technology Certification Board; or

(C) American Society of Clinical Pathologists; and

(2) Uses medical equipment emitting or detecting ionizing radiation or administers radiopharmaceuticals for human diagnostic or therapeutic purposes.

(b) A Licensed Technologist license is required for any individual who:

(1) Uses medical equipment emitting or detecting ionizing radiation for human diagnostic or therapeutic purposes under the supervision of a licensed practitioner; and

(2) Is licensed under the "grandfather" provision in the act.

(c)(1) A Limited Licensed Technologist license is required for any individual who:

(A) Is under the supervision of a licensed practitioner; and

(B) Uses medical equipment emitting ionizing radiation for human diagnostic purposes for radiographic examination of the chest or skeletal areas.

(2) This license is obtained by successful completion of:

(A) The examination by the American Chiropractic Registry of Radiologic Technologists; or

(B) An examination approved by the State Board of Health.

(d)(1) An RCIS license is required for any individual who:

(A) Is under the supervision of a licensed practitioner; and

(B) Operates medical equipment emitting ionizing radiation for fluoroscopic radiologic purposes on human beings that are limited to specific body parts and only for cardiovascular interventional procedures.

(2) This license is obtained by successful completion of an examination:

(A) Deemed appropriate by the Medical Ionizing Radiation Licensure Committee; and

(B) Approved by the State Board of Health.

(e)(1) A temporary license may be issued by the State Board of Health to any individual:

(A) Whose licensure or relicensure may be pending; and

(B) When issuance may be justified by special circumstances.

(2) A temporary license shall be issued only if the State Board of Health finds that it will not:

(A) Violate the purpose of the act or this part; or

(B) Endanger the public health and safety.

(3) A temporary license shall not remain in force longer than one hundred eighty (180) days.

(4) No more than two (2) temporary licenses shall be issued to any individual within a specific category.

(5) The committee may extend the temporary license if the individual demonstrates to the committee a hardship or a continual progression in fulfilling the educational and certification requirements recognized by the committee.

(6) Only temporary license holders who have graduated from accredited educational programs recognized by the State Board of Health and are awaiting examination and licensure may perform fluoroscopy or administer contrast media.

(7) Temporary license holders for limited scope, may only perform the radiologic procedures on human beings for which they are preparing to take the examination.

(f) Reactivation of retired license may be reinstated when the individual must pay the renewal fee and provide documentation of six (6) hours of continuing education credits within the year prior to renewal.

(g) Renewal of a lapsed license for a licensee who has allowed their Licensed Technologist license or Limited Licensed Technologist license lapse for five (5) years or less will be permitted on the basis of payment of the required renewal fee, an accrued late fee, and completion of a minimum of six (6) hours per year continuing education for each year the license has lapsed.

(h)(1) Renewal of a lapsed license for a licensee who has let their Licensed Technologist license or Limited Licensed Technologist license expire for more than five (5) years will be based on:

(A) Payment of the required renewal fee, late fee; and

(B) Successful completion of the licensing examination approved by the State of Arkansas.

(2) Renewal of a lapsed license for an ARRT or its equivalent technologist who has let their Radiologic Technologist license, Radiation Therapy license, or Nuclear Medicine Technology license expire for more than five (5) years will be based on:

(A) Payment of the required renewal fee, late fee; and

(B) Documentation from the ARRT, NMTCB, ACRRT, or CCI of a current valid registry card.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-106. Automatic licensure under Acts 2023, No. 137.

(a) **Applicability.** This section applies to a:

(1) Uniformed service member stationed in the State of Arkansas;

(2) Uniformed service veteran who resides in or establishes residency in the State of Arkansas; and

(3)(A) The spouse of subdivision (a)(1) of this section or subdivision (a)(2) of this section including a uniformed service member who is:

(B) Assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; and

(C) Killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

(b) **Automatic licensure.** Automatic licensure shall be granted to persons listed in subsection (a) of this section if the person:

(1) Is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States; and

(2) Pays the licensure fee in 17 CAR § 49-114, fees.

(c) **Credit toward initial licensure.** Relevant and applicable uniformed service education, training, national certification, or service-issued credential shall be accepted toward initial licensure.

(d) **Expiration dates and continuing education.**

(1) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(2) A uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education before renewal or grant of a subsequent license.

(3) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education before renewal or grant of a subsequent license.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-107. Reciprocity under Acts 2019, No. 426.

(a) **Required qualifications.** An applicant applying for reciprocal licensure shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) A license from another state is substantially similar to an Arkansas Radiologic Technology license if the other state's licensure qualifications require:

- (i) Graduation from an accredited radiologic technology school; and
- (ii) Passing the applicable exam as listed in 17 CAR § 49-113(a).

(C) The applicant shall hold his or her occupational licensure in good standing.

(D) The applicant shall not have had a license revoked for:

- (i) An act of bad faith; or
- (ii) A violation of:
 - (a) Law;
 - (b) Rule; or
 - (c) Ethics.

(E) The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and

(2) The applicant shall be sufficiently competent in the radiologic technology.

(b) **Required documentation.**

(1) An applicant shall submit:

- (A) A fully executed application;
- (B) The required fee; and
- (C) The documentation described below.

(2) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:

- (A)(i) Evidence of current and active licensure in that state.

(ii) The State Board of Health may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board; and

(B)(i) Evidence that the other state's licensure requirements match those listed in subdivision (a)(1)(B) of this section.

(ii) The State Board of Health may verify this information online or by telephone to the other state's licensing board.

(3) To demonstrate that the applicant meets the requirements in subdivisions (a)(1)(B) – (a)(1)(D) of this section, the applicant shall provide the State Board of Health with:

(A) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(B)(i) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant:

(a) Has not had his or her license revoked for the reasons listed in subdivision (a)(1)(C) of this section; and

(b) Does not hold a license on suspended or probationary status as described in subdivision (a)(1)(D) of this section.

(ii) The State Board of Health may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board.

(4) As evidence that the applicant is sufficiently competent in the field of radiologic technology, an applicant shall pass the applicable exam as listed in 17 CAR § 49-113(a).

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-108. Provisional license under Acts 2019, No. 1011.

(a) The State Board of Health shall issue a provisional license immediately upon receipt of the application, the required fee, and the documentation required under 17 CAR § 49-107(b)(1)(A) and (B).

(b) The provisional license shall be effective for six (6) months, unless the board determines that the applicant does not meet the requirements in radiologic technology in which case the provisional license shall be immediately revoked.

(c) An applicant may:

(1) Provide the rest of the documentation required above in order to receive a regular license; or

(2) Only provide the information necessary for the issuance of a provisional license.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-109. License for a person from a state that does not license profession under Acts 2019, No. 1011.

(a) **Required qualifications.** An applicant from a state that does not license radiologic technologists shall meet the following requirements:

(1) The applicant shall be sufficiently competent in the radiologic technology; and

(2) Current registration with the American Registry of Radiologic Technologists.

(b) **Required documentation.**

(1) An applicant shall submit:

(A) A fully executed application;

(B) The required fee; and

(C) The documentation described below.

(2) As evidence that the applicant is sufficiently competent in the field of radiologic technology, an applicant shall pass the applicable exam as listed in 17 CAR § 49-113(a).

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-110. Reciprocity and state-specific education under Acts 2019, No. 1011.

(a) The State Board of Health shall require an applicant to take the Limited Scope Radiologic Technologist exam if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity provided to out-of-state applicants in 17 CAR § 49-107.

(b) Reciprocity in another state will be considered similar to reciprocity under 17 CAR § 49-107 if the reciprocity provisions in the other state:

(1) Provide the least restrictive path to licensure for Arkansas applicants;

(2) Do not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new professional in that state, except that the state may require Arkansas applicants to participate in continuing education or training that is required for all professionals in that state to maintain the licensure;

(3) Do not require Arkansas applicants to take a state-specific education unless required to do so under the same conditions described in 17 CAR § 49-107.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-111. Prelicensure prohibiting offense determination.

(a) Pursuant to Acts 2019, No. 990, an individual may petition for a prelicensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.

(b) The individual must obtain the prelicensure criminal background check petition form from the Medical Ionizing Radiation Licensure Committee (MIRLC).

(c) The MIRLC will respond with a decision in writing to a completed petition within a reasonable time.

(d) The MIRLC response will state the reason or reasons for the decision.

(e) All decisions of the MIRLC in response to the petition will be determined by the information provided by the individual.

(f) Any decision made by the MIRLC in response to a prelicensure criminal background check petition is not subject to appeal.

(g) The MIRLC will retain a copy of the petition and response and it will be reviewed during the formal application process.

Authority. Arkansas Code § 17-106-105.

17 CAR § 41-112. Work permit under Acts 2021, No. 746.

The Radiologic Technology Licensure Program shall grant an occupational or professional license under this section to an individual who fulfills the requirements to practice an occupation or profession in this state and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit".

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-113. Qualifications for examinations.

(a) **Accepted examinations.**

(1) The accepted examinations for licensure are the ARRT, NMTCB, ASCP, ACRRT, or CCI examinations for the licensing examinations approved by the State Board of Health.

(2) The categories of examinations approved by the State Board of Health are:

- (A) Radiography;
- (B) Radiation therapy;
- (C) Nuclear medicine technology;
- (D) Limited chest;
- (E) Limited spine;

- (F) Limited extremities;
- (G) Limited skull and sinus;
- (H) Limited ankle and foot; and
- (I) RCIS.

(b) **Process for examination qualifications.** The applicant shall apply for any examination for licensure by providing the Department of Health with the necessary information on the examination application form provided by the department.

(c) **Examination pass/fail.** The minimum passing score shall be a scaled score of seventy (70).

(d) **Re-examination.** Upon payment of examination fee and completion of the examination application process, there will be no limitation on the number of times the examination can be taken.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-114. Fees.

(a) Examination fee.

(1) The examination fee will be set by the vendor contracted with the Department of Health to administer the examinations that meet the requirements of the State Board of Health.

(2) This fee is nonrefundable.

(b) License fee.

(1) The license fee shall be forty-five dollars (\$45.00) for one (1) category.

(2) The license fee for more than one (1) category shall be sixty-five dollars (\$65.00).

(3) This fee is nonrefundable.

(c) Temporary fee.

(1) The temporary fee shall be forty-five dollars (\$45.00) for each additional temporary license.

(2) The temporary license may be renewed once.

(3) The temporary license fee will be transferred to the license fee following successful completion of the examination, for a period of one hundred eighty (180) days with the renewal date being one hundred eighty (180) days from the date of the original temporary license that was issued.

(4) If a test is not available, the renewal date will be the date when the examination is available.

(5) This fee is nonrefundable.

(d) Student temporary fee.

(1)(A) The fee shall be forty-five dollars (\$45.00), and may be renewed once.

(B) There will not be an additional fee for renewal if successful completion of the ARRT, NMTCB, ACRRT, CCI, or other licensing examination approved by the State Board of Health has occurred.

(2) This will apply for a student in an approved United States Department of Education school.

(3) This fee will be transferred to the license fee for a period of one (1) year.

(4) This fee is nonrefundable.

(e) Late fee.

(1) The late fee will be fifty percent (50%) of the license fee.

(2) The late fee will be accrued on the expiration date of the license.

(3) This fee is nonrefundable.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-115. Fee waiver under Acts 2021, No. 725.

(a) Pursuant to Acts 2021, No. 725, an applicant may receive a waiver of the initial licensure fee, if eligible.

(b) Eligible applicants are applicants who:

(1) Are receiving assistance through the:

(A) Arkansas, or current state of residence equivalent, Medicaid Program;

(B) Supplemental Nutrition Assistance Program (SNAP);

- (C) Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);
 - (D) Temporary Assistance for Needy Families Program (TEA); or
 - (E) Lifeline Assistance Program (LAP);
- (2) Were approved for unemployment within the last twelve (12) months; or
- (3) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(c)(1) Applicants shall provide documentation showing their receipt of benefits from the appropriate state agency.

(2) For Medicaid, SNAP, WIC, TEA, or LAP, documentation from the Department of Human Services, or current state of residence equivalent agency.

(3) For unemployment benefits approval in the last twelve (12) months, the Division of Workforce Services or current state of residence equivalent agency; or

(4) For proof of income, copies of all Internal Revenue Service forms indicating applicant's total personal income for the most recent tax year, e.g., W-2, 1099, etc.

(d) Applicants shall attest that:

(1) The documentation provided under subsection (c) of this section is a true and correct copy; and

(2) Fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-116. Display of license.

(a) Licensees shall display the official license document or a copy of the license, which has been notarized by a notary public in each place of employment, and the document shall be made available upon its request.

(b) The licensee shall display their license:

(1) At the primary location of employment; or

(2) Where the licensee is regularly scheduled to work.

(c) The licensee can have a notarized copy on file when working at a facility other than their primary place of work.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-117. Renewal date.

(a)(1) A license shall be renewed annually.

(2) The renewal date shall be one (1) year from the date of issuance.

(b) A temporary license may be renewed once at the end of the one-hundred-eighty-day period for the temporary license.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-118. Educational program standards.

The standards the State Board of Health will accept for educational programs in radiologic technology are programs that are accredited by the United States Department of Education through the Joint Review Committee on Education in Radiologic Technology, Joint Review Committee on Educational Programs in Nuclear Medicine Technology, Chiropractic Radiologic Technology and Cardiovascular Credentialing International, or equivalent.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-119. Continuing education standards.

(a) A minimum of six (6) hours of continuing education is required for license renewal for all license holders.

(b)(1) A continuing education hour is defined as being equal to fifty (50) to sixty (60) minutes.

(2) Educational activities of thirty (30) to forty-nine (49) minutes in duration will be awarded one-half (1/2) continuing education credit.

(3) Educational activities longer than one (1) hour will only be awarded half-hour and whole-hour credits.

(4) Educational activities less than thirty (30) minutes will receive no credit.

(c)(1) The continuing education will be required on a prorated basis for temporary license holders.

(2) If a temporary license has been renewed, the holder will be required to meet the full six (6) hours of education.

(d) The six (6) hours of continuing education are to have been acquired within the year preceding the date of renewal.

(e)(1) Three (3) of the six (6) hours must be in the radiologic sciences, in the core areas of all licenses such as:

- (A) Radiation protection;
- (B) Equipment operation and maintenance;
- (C) Image production and evaluation;
- (D) Patient care and management; and
- (E) Radiopharmaceuticals.

(2) The other three (3) hours may be in other areas related to health care.

(f)(1) Continuing education may be provided by the licensed practitioner or a hospital in-service education department.

(2) The sponsor of the continuing education must provide specific information on the continuing education forms provided by the Department of Health.

(3) Request for approval must be made to the Medical Ionizing Radiation Licensure Committee at least thirty (30) days prior to the educational activity.

(g) The information required is:

- (1) A request approval form;
- (2) Objectives;
- (3) Outline; and
- (4) Lecturer or presenter curriculum vitae.

(h) The committee will review the information and if approved, the committee will assign a continuing education approval number.

(i) The sponsor shall document attendance at continuing education and shall provide documentation in suitable format to the Department of Health.

(j)(1) The participant must:

(A) Keep a record of his or her continuing education; and

(B) Submit the information on the annual renewal form for license renewal.

(2) The committee may perform random checks to evaluate attendance at the continuing education.

(k)(1) The committee shall accept the following as continuing education lecturers or presenters:

(A) Licensed practitioner;

(B) Registered radiologic technologist;

(C) Medical/health physicist;

(D) Healthcare professional who has attended formal education and passed a formal examination specific for the healthcare area of interest; and

(E) Company or service representatives in radiologic technology.

(2) The committee will also consider other individuals who demonstrate expertise through the submitted:

(A) Curriculum vitae;

(B) Education; or

(C) Work experience relative to the education to be presented.

(l)(1) The approved continuing education and assigned approval number will be effective for a period of three (3) years or until substantial changes in content have occurred, whichever comes first.

(2) A new approval must be requested after a period of three (3) years or if substantial changes have been made to the lecture content.

(m) The licensee can only use a continuing education approval number once during the renewal period.

(n)(1) Continuing education approved by other organizations such as the American Society of Radiologic Technologists, Society of Nuclear Medicine, American Medical

Association, American Podiatric Medicine Association, or the American Chiropractic Association may be accepted.

(2) The committee reserves the right to deny continuing education approved by other organizations.

(3) The name and number for the continuing education assigned by other approval processes must be provided on the form.

(4) The committee will accept confirmation forms provided by other approved processes.

(o)(1) If the minimum amount of continuing education is not met, or the continuing education is not approved, the licensee will:

(A) Be placed on probation; and

(B) Have sixty (60) days to complete the required continuing education to receive a renewal license.

(2) If the education is not completed the licensee will be considered a lapsed licensee.

(p) Licensees awarded the retired status are exempt from the continuing education requirements so long as they remain on retired status.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-120. "Earn and Learn" under Acts 2021, No. 811.

(a) Pursuant to Acts 2021, No. 811, an applicant shall receive a Limited Licensed Technologist license if they meet the criteria set forth below.

(b)(1) An applicant for licensure under this section shall provide satisfactory proof of completion of apprenticeship via official documentation from the apprenticeship program.

(2) This documentation may be in the form of a:

(A) Certificate, diploma, or similar official credential; or

(B) Letter on official program letterhead.

(c) An applicant for licensure under this section shall provide satisfactory documentation that the:

(1) Completed apprenticeship program meets the federal guidelines set out in 29 C.F.R. pt. 29, as existing on March 1, 2021; and

(2) Program has been approved by the:

(A) United States Office of Apprenticeship; or

(B) Division of Workforce Services.

(d) An applicant for licensure under this section shall meet all the other noneducational requirements for licensure under this part, including 17 CAR §§ 49-105, 49-113, 49-114, and 49-115.

(e) If an applicant is denied a license for failing to meet the criteria in subsections (b) – (d) of this section, the applicant shall be provided the reason for denial in writing.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-121. Administration.

(a) The license of a radiologic technologist, licensed technologist, or limited licensed technologist may be suspended or revoked, or the individual may be censured, reprimanded, or otherwise sanctioned by the State Board of Health in accordance with the provisions and procedures of this act if, after due process, it is found that the individual:

(1) Is guilty of fraud or deceit in the procurement or holding of the license;

(2) Has been convicted of a felony listed under Arkansas Code § 17-3-102;

(3) Is or has been afflicted with any medical problem, disability, or addiction, that, in the opinion of the board, would impair professional competence;

(4) Has knowingly aided and abetted a person who is not a radiologic technologist, licensed technologist, or limited licensed technologist, or otherwise authorized by the act or this part, to perform the duties of a license holder;

(5) Has undertaken or engaged in any practice beyond the scope of duties permitted a license holder under the act or this part;

(6) Has impersonated a license holder or former license holder or is performing the duties of a radiologic technologist, licensed technologist, or limited licensed technologist under an assumed name;

(7) Has been found guilty of violations of the Code of Ethics as established by this part;

(8) Has applied ionizing radiation without the prescription of a licensed practitioner;

(9) Has interpreted a diagnostic image for a fee;

(10) Is, or has been found, guilty of incompetence or negligence in his or her performances as a license holder; or

(11) Failed to comply with any provision of the act or this part.

(b)(1) Proceedings against the holder of a license shall be instituted by filing a written charge or charges with the Medical Ionizing Radiation Licensure Committee.

(2) The charge or charges may be brought by:

(A) A person;

(B) A corporation;

(C) An association;

(D) A public officer; or

(E) The board.

(3) The chairperson of the committee shall appoint a subcommittee of three (3) committee members to:

(A) Examine the charge or charges; and

(B) Prepare a written recommendation to the committee stating whether the charge or charges should be:

(i) Dismissed; or

(ii) Brought against the licensee.

(4) If the committee determines that the charge or charges contain sufficient merit, the chairperson shall set a time and place for a hearing.

(5) A copy of the charge or charges, together with the notice of the time and place of the hearing, shall be served on the person charged either in person or by registered mail at least thirty (30) days before the date set for the hearing.

(6) The accused shall have the right to appear at the hearing with counsel, to answer the charge or charges, cross-examine witnesses, and produce evidence and witnesses in his or her defense.

(7) The committee shall have the power to issue subpoenas for the appearance of witnesses and take testimony under oath.

(c) Any licensee who violates any provision of the act, or any rule or order made pursuant to the act shall be subject to a:

(1) Cease and desist order; and

(2) Fine of not more than one thousand dollars (\$1,000) per incident.

(d) All hearings and appeals shall be pursuant to the provisions of the Arkansas Administrative Procedure Act, as amended, Arkansas Code § 25-15-201 et seq.

Authority. Arkansas Code § 17-106-105.

17 CAR § 49-122. Code of ethics.

A radiologic technologist, licensed technologist, or a limited license technologist shall abide by the following:

(1) The licensee:

(A) Conducts herself or himself in a professional manner;

(B) Responds to patient needs; and

(C) Supports colleagues and associates in providing quality patient care;

(2) The licensee acts to advance the principle objective of the profession to provide services to humanity with full respect for the dignity of mankind;

(3) The licensee delivers patient care and service:

(A) Unrestricted by the concerns of personal attributes or the nature of the disease or illness; and

(B) Without discrimination on the basis of:

- (i) Sex;
- (ii) Race;
- (iii) Creed;
- (iv) Religion; or
- (v) Socioeconomic status;

(4) The licensee:

(A) Practices radiologic technology founded upon theoretical knowledge and concepts;

(B) Uses equipment and accessories consistent with the purposes for which they were designed; and

(C) Employs procedures and techniques appropriately;

(5) The licensee:

(A) Assesses situations;

(B) Exercises care, discretion, and judgment;

(C) Assumes responsibility for professional decisions; and

(D) Acts in the best interest of the patient;

(6) The licensee:

(A) 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

(B) Recognizes that interpretation, diagnosis, ordering, and prescribing radiologic examinations are outside the scope of practice for licensees;

(7) The licensee:

(A) Respects confidences entrusted in the course of professional practice;

(B) Respects the patient's right to privacy; and

(C) Reveals confidential information only as required by law or to protect the welfare of the individual or the community; and

(8) The licensee continually strives to improve knowledge and skills by:

(A) Participating in continuing education and professional activities; and

(B) Sharing knowledge with colleagues.

Authority. Arkansas Code § 17-106-105.