

STATEMENT OF CONSIDERATION  
Relating to 201 KAR 46:010

General Government Cabinet  
Board of Medical Imaging and Radiation Therapy  
(Amended After Comments)

I. The public hearing on 201 KAR 46:010 was held on May 27, 2015 at 9:00 a.m. at the Office of the Board of Medical Imaging and Radiation Therapy.

II. The following person stated comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Cyndi Gibbs	Kentucky Society of Radiologic Technologists

The following people sent written comments

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Pamela Hagan	Kentucky Board of Nursing
Eric Grier	The American Registry of Radiologic Technologists
Anna Hamilton	St. Catharine College
Dawn McNeil	St. Catharine College
Ellis Blanton	St. Catharine College
Kay Burke	Team Leader Women's Imaging Dept. Baptist Health Louisville
Paul Hutson	Southeast Kentucky Community & Technical College
Dewey Crawford	Commissioner, CMCC

III. The following people from the promulgating administrative body responded to the commenter:

<u>Name and Title</u>
Sheryl Abercrombie, Board Chairperson
Vanessa Breeding, Executive Director
Carol Scherbak, Regulations Committee
Cynthia Knapp, Regulations Committee
Andrea Cornuelle, Regulations Committee

IV: Summary of Comments and Responses

- (1) Subject Matter: Definition (1) "Accredited Educational Program"
- (a) Cyndi Gibbs

Comment: The commenter would like for the definition of an Accredited Education Program to be “..programs as recognized by The American Registry of Radiologic Technology” (ARRT).

(b) Response: The Board of Medical Imaging and Radiation Therapy does not believe the definition of an accredited educational program needs to be amended. Of the national organizations approved by the board within statute KRS 311B.020 (1) only the Joint Review on Education in Radiologic Technology (JRCERT) and the Joint Review Committee on Educational Programs in Nuclear Medicine Technology (JRCNMT) evaluate and approve educational programs. The JRCERT is the only agency recognized by the United States Department of Education (USDE) and the Council for Higher Education Accreditation (CHEA), for the accreditation of traditional and distance delivery educational programs in radiography, radiation therapy, magnetic resonance, and medical dosimetry. The Joint Review Committee on Educational Programs in Nuclear Medicine Technology (JRCNMT) is the only programmatic accrediting agency recognized to accredit nuclear medicine technologist educational programs offered through traditional and distance education formats in the United States and its territories. The JRCNMT holds recognition from the Council for Higher Education Accreditation (CHEA). The ARRT does not approve or evaluate educational programs in Radiography, Radiation Therapy or Nuclear Medicine.

(2) Subject Matter: Definition (1) “Accredited Educational Program”

(a) Written comments from Eric Grier

Comment: The commenter would like to suggest “regional accreditors” be added to the definition of Accredited Educational Program.

(b) Response: The Board of Medical Imaging and Radiation Therapy does not believe the definition of an accredited educational program needs to be amended. Regional accreditation only accredits the institution and not the specific programs within the institution:

Program Accreditation vs. Regional Accreditation		
Area	Program	Regional
Accreditation Process	Focuses on Program Integrity, Resources, Curriculum, Health and Safety, Assessment	Focuses on institutional system and processes.
Site Visit Team	Includes two discipline specific peer reviewers.	Consists of President, Financial assessment, and Student Services representative
Accreditation Cycle	Maximum eight years with mandatory four year interim report required.	Maximum ten year with no interim report required.
Curricula	Adheres to the ASRT curricula standards.	Credit and contact hours, No content evaluation.
Faculty	Credentialed and experienced in discipline	Appropriate degree. Random sampling

Facilities, Equipment, and Supplies	Program- specific resources	Appropriate for learning but nor required to be directed at any specific program level.
Fiscal and Administrative Budget	Program-specific budget	Overall college budget/reserves
Student Support Services	Maintained and evaluated	Residential life, counseling
Recruiting and Admissions	Appropriate and comprehensive clinical placement.	Reviewed in conjunction with Student Support Services.
Student Achievement	Monitor ARRT results, job placement rates, student learning outcomes	Evidence of general educational assessment plans, does not review program outcomes.
Student Complaints	Follow-up on all program specific complaints of non-compliance with JRCERT standards	Policy in place.

(3) Subject Matter: Definition (2) “Advanced Imaging Professional”

(a) Cyndi Gibbs

Comment: The commenter would like this definition to say “.. Advanced Imaging Practitioner”.

(b) Response: The Board of Medical Imaging and Radiation Therapy does not believe this definition of advanced imaging professional needs to be amended. The Board has used the term "advanced imaging professional" as defined statute KRS 311.020 (3). In reviewing the cited the Medicare Access to Radiology Care Act (H.R. 1148) (“MARCA”), the board could not confirm the use of the term practitioner for this group of individuals. Specifically, MARCA is federal legislation that recognizes a Radiologist Assistant as a non-physician provider under Medicare. Under the bill, state law would govern scope of practice and physician supervision levels for procedures performed by Radiologist Assistants.

(4) Subject Matter: Definition (2) “Advanced Imaging Professional”

(a) Cyndi Gibbs

Comment: “Why include Nuclear Medicine Advanced Imaging Associate (NMAA)? Why now are we including such a miniscule group of individuals to have the title of Advanced Professional as the term is currently used?”

(b) Response: The Board of Medical Imaging and Radiation Therapy does not believe the definition for advanced imaging professional needs to be amended. There was no evidence presented justifying the elimination of this group from this regulation. While it does represent a small number of medical imaging professionals it is a growing profession and should be included

in regulations. The Nuclear Medicine Advanced Associate (NMAA) is the nuclear medicine equivalent to a Radiologist Assistant (RRA). Even though the NMAA is a group currently small in number and offered only at the University of Arkansas, this University also began the first Radiologist Assistant Program which has spread to 9 other universities or colleges with a registered population of over 300.

(5) Subject Matter: Definition (7) “Computerized Tomography Technologist”

(a) Cyndi Gibbs

Comment: Change Computerized to Computed.

(b) Response: The Board of Medical Imaging and Radiation Therapy agree and will revise the regulation accordingly.

(6) Subject Matter: Definition (20) Licensed Practitioner or Licensed Practitioner of the Healing Arts

(a) Written Comments from Pamela Hagan Kentucky Board of Nursing

Comment: Include APRN in the definition of Licensed Practitioner

(b) Response: KRS 311B.020(8) defines the term "Licensed Practitioner" or "Licensed Practitioner of the Healing Arts." The legislature did not include an advance practice registered nurse within the definition. The board lacks the discretion to expand the statutory definition of the terms.

(7) Subject Matter: Add definitions for “Reciprocity and Substantial”

(a) Written Comments from Anna Hamilton, Kay Burke, Paul Hutson, Ellis Blanton, Dewey Crawford and Dawn McNeil

Comment: “Reciprocity” Means the granting of a Medical Imaging and Radiation Therapy License or temporary permit to a person from another state or uniquely trained, who has passed a primary certification examination from a National Organization be recognized by the board.

“Substantial” Means Proof or competent over whelming documented evidence.

(b) Response: The Board of Medical Imaging and Radiation Therapy decline the proposed addition of these definitions as not applicable. KRS Chapter 311B requires an applicant to be a graduate of an accredited educational program. As discussed above, the only two program accrediting bodies are JRCERT and JRCNMT. Additionally, the accreditation requirement is not a change in the regulation. It is the board’s understanding that the requirement was included in the regulation in 2007 as a legislative amendment to the regulation.

(8) Subject Matter: Missing Incorporated By Reference Document

(a) Written Comments from Pamela Hagan Kentucky Board of Nursing

Comment: Unable to locate the referenced document “ACR ASRT Joint Policy Statement - Radiologist Assistant: Roles and Responsibilities”

(b) Response: The Board of Medical Imaging and Radiation Therapy acknowledge the omission of the document “ACR ASRT Joint Policy Statement -Radiologist Assistant: Roles and

Responsibilities” in the incorporation by reference section of this administrative regulation. The board has also identified an additional related referenced document titled “ACR-AAPM Technical Standard for Management of the Use of Radiation in Fluoroscopic Procedures (revised 2013 resolution 44)” and will be incorporating by reference both documents.

#### V. Summary of Action Taken by Promulgating Agency

The Board of Medical Imaging and Radiation Therapy reviewed the comments and, as a result, is amending the administrative regulation as follows:

#### Page 2

#### Section 1(7)

#### Line 12

After “(7)” insert “Computed”.

Delete “Computerized”.

#### Page 9

#### Section 1 (45)

#### Line 10

After “and the ARRT” insert the following:

ACR ASRT Joint Policy Statement-Radiologist: Roles and Responsibilities and the American College of Radiology (ACR) and the American Association of Physicists in Medicine (AAPM) titled ACR-AAPM Technical Standard For Management Of The Used Of Radiation In Fluoroscopic Procedures and incorporated by reference.

#### Page 10

#### Section 2

#### Line 7

After “Section 2” insert the following:

Incorporation by Reference: (1) The following material is incorporated by reference:

(a) “ACR ASRT Joint Policy Statement -Radiologist Assistant: Roles and Responsibilities”, and

(b) “ACR-AAPM Technical Standard For Management Of The Used Of Radiation In Fluoroscopic Procedures”.

#### Page 10

#### Section 2

#### Line 7

Insert “Section 3” before

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