Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

Proposed Rulemaking

Title

Promulgated by:
Department of Health
Arkansas State Medical Board

Title 17. Professions, Occupations, and Businesses
Chapter XXIV. Arkansas State Medical Board, Department of Health
Subchapter A. Generally
Part 140. Arkansas State Medical Board Rules
Subpart 23. Rules Governing Radiologist Assistants/Radiology Practitioner Assistants

17 CAR § 140-2301. Definitions.

As used in this subpart:

(1) "Alternate supervising radiologist" means a radiation practitioner other than the supervising radiologist who is responsible for the supervision of RA or RPA for specific procedures in accordance with all rules applicable to the supervising radiation practitioner;

(2)(A) "Direct supervision" means the supervising and/or alternate supervising radiation practitioner and/or radiologist must be present in the facility and immediately available to furnish assistance and direction to the RA or RPA during the performance of the procedure or task.

(B) The radiation practitioner is not required to be present in the room during the performance of the procedure or task;

(3) "General supervision" means the procedure is furnished under the supervising and/or alternate supervising radiation practitioner's overall direction and

control, but the practitioner is not required to be in the same room or facility with the RA or RPA during the performance of the procedure or task;

(4) "Licensed practitioner" means a person licensed to practice medicine, dentistry, podiatry, chiropractic, osteopathic, or optometry in the State of Arkansas;

(5) "Personal supervision" means the supervising and/or alternate supervising radiation practitioner must be in attendance in the room with the RA or RPA during the performance of the procedure or task;

(6) "Radiation practitioner" means a licensed practitioner who has completed a residency in radiology, nuclear medicine, or radiation oncology, and is certified by the American Board of Radiology, the American Osteopathic Board of Radiology, or the American Board of Nuclear Medicine or its equivalent;

(7) "Radiologist assistant (RA)" or "radiology practitioner assistant (RPA)" means a person other than a licensed practitioner who has specific qualifications, education, certification, and responsibilities as recognized by the Arkansas State Medical Board and who has been issued a license to perform certain functions under the supervision of a licensed radiation practitioner; and

(8) "Supervising radiation practitioner" means a radiation practitioner using the services of an RA or RPA and who is responsible for the professional activities and services of the RA or RPA under this subpart.

17 CAR § 140-2302. Requirements.

(a) The RA and the RPA must obtain a permit from the Arkansas State Medical Board to practice in the State of Arkansas.

(b) In order to obtain said permit, the RA or RPA must comply with the following:

(1) Complete and submit an application and provide such information as the board requires;

(2) Provide proof of:

(A) ~~s~~Successfully passing the Registered Radiologist Assistant Examination by the American Registry of Radiologic Technologists; or

(B) ~~c~~Certificationed by the Certification Board for Radiology

Practitioner Assistants~~,~~ or ;

(C) ~~provide proof of l~~Licensure in Arkansas by 2007 as an RA or RPA through the Radiation Control Section of the Department of Health;

Formatted: Indent: Left: 1", First line: 0.33"

(3) Be at least eighteen (18) years of age;

(4) Provide the names and signatures of the supervising and alternate supervising radiation practitioners licensed to practice in the State of Arkansas who agree to supervision of the RA or RPA under the terms of this subpart;

(5) Provide a practice-specific document delineating the specific procedures and tasks to be performed by the RA or RPA in each facility utilized, including the level of supervision to be provided by the supervising licensed radiation practitioners;

(6)(A) Pay a licensure fee of seventy-five dollars ($75.00) to the board with the application for the initial permit.

(B) The supervising and alternate supervising radiation practitioners must sign the application form that they have read the rules and will abide by same, including disciplinary actions pertaining to the RA or RPA and themselves; and

(7)(A) Pay a renewal fee of sixty dollars ($60.00) with the annual renewal form for a permit and a copy of the practice privileges for each facility where the procedures are performed.

(B) The supervising and alternate supervising radiation practitioners must sign the renewal form that they have read the rules and will abide by same, including disciplinary actions pertaining to the RA or RPA and themselves.

(c) A request must be submitted for board approval of any changes in supervising or alternate supervising radiation practitioners, and for any changes to the practice-specific document delineating the specific procedures and tasks to be performed by the RA or RPA in each facility utilized, including the level of supervision to be provided by the supervising licensed radiation practitioner or practitioners.

17 CAR § 140-2303. Roles and responsibilities.

(a) The RA or RPA may perform the tasks and functions as approved by the Arkansas State Medical Board and for which practice privileges have been secured at

each facility where the procedure is performed.

(b) Prescriptive authority for medications and images interpretation are expressly prohibited.

(c)(1) Initial observation of the images by the RA and RPA may be communicated only to the supervising radiation practitioner.

(2) The RA and RPA may communicate the radiologist's interpretation to other care providers.

17 CAR § 140-2304. Practice-specific document.

(a) The practice-specific document is to be completed and signed by the RA or RPA and the supervising licensed radiation practitioner supervisor.

(b) The practice-specific document must be accepted and approved by the Arkansas State Medical Board prior to the licensure of the RA or RPA.

(c) Any change in the practice-specific document shall include the following:

(1)(A) Procedures or tasks to be performed by the RA or RPA with the level of supervision to be provided by the licensed practitioner or practitioners.

(B) All invasive procedures listed require a minimum level of direct supervision;

(2) The name and address of the facility where the procedure or procedures will be performed; and

(3) The name of the alternate supervising licensed radiation practitioner or practitioners.

17 CAR § 140-2305. Supervision.

(a)(1) The radiation practitioners assume full responsibility for the actions of the RA and RPA.

(2) If there is any uncertainty regarding supervision of the RA and RPA, the designated supervising radiation practitioner has ultimate responsibility.

(b)(1) Supervising and alternate supervising radiation practitioners must have the privileges to perform the procedures for which he or she is supervising for the RA and

RPA.

(2)(A) If it is an invasive procedure, the radiation practitioners must satisfy, at a minimum, the same educational and experience requirements as the RA or RPA.

(B) All invasive procedures require a minimum level of direct supervision, and conscious sedation requires personal supervision by the radiation practitioner.

17 CAR § 140-2306. Disciplinary action.

(a) An RA and RPA must comply with the Arkansas Medical Practices Act, Arkansas Code § 17-95-201 et seq., Arkansas Code § 17-95-301 et seq., and Arkansas Code § 17-95-401 et seq., and the rules of the Arkansas State Medical Board.

(b)(1) Should the board find that there is probable cause that an RA or RPA has not complied with the Arkansas Medical Practices Act and the rules of the board, the board will bring charges alleging the wrongful conduct and said disciplinary proceeding will comply with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(2) At the conclusion of the disciplinary hearing, if the board finds that the RA or RPA has violated the Arkansas Medical Practices Act or the rules of the board, the board may impose one (1) or more of the following sanctions:

(A) Revoke the permit to practice in Arkansas as an RA or RPA;

(B) Suspend the permit for a period of time as determined by the board;

(C) Issue a reprimand; or

(D) Supervising radiation practitioners may be subject to disciplinary action by the board if the RA or RPA violates the Arkansas Medical Practices Act or the rules.

17 CAR § 140-2307. Continuing medical education.

(a) An RA or RPA with an active permit to practice in the State of Arkansas shall complete six (6) credit hours per year of continuing medical education acceptable to the American Registry of Radiologic Technologists and/or the American Medical Association.

(b) If a person holding an active permit as an RA or RPA in this state fails to meet

the foregoing requirement because of illness, military service, medical or religious missionary activity, residence in a foreign country, or other extenuating circumstances, the Arkansas State Medical Board, upon appropriate written application, may grant an extension of time to complete the same on an individual basis.

(c)(1) Each year with the application for renewal of an active permit as an RA or RPA in this state, the board will include a form which requires the person holding the permit to certify by signature under penalty of perjury and discipline by the board that he or she has met the stipulating continuing medical education requirements.

(2) In addition, the board may randomly require the RA or RPA submitting such certification to demonstrate, prior to renewal of the permit, satisfaction of continuing medical education requirements stated in his or her certification.

(d)(1) Continuing medical education records must be kept by the permit holder in an orderly manner.

(2) All records relative to continuing medical education must be maintained by the licensee for at least three (3) years from the end of the reporting period.

(3) The records or copies of the forms must be provided or made available to the board upon request.

(e) Failure to complete continuing education hours as required, or failure to be able to produce records reflecting that one has completed the required minimal medical education hours, shall be a violation and may result in the permit holder having his or her permit suspended and/or revoked.