ADMINISTRATIVE RULES OF THE
VERMONT BOARD OF RADIOLOGIC TECHNOLOGY

Part 1. GENERAL INFORMATION

1.1 The Board's Purpose

The State Board of Radiologic Technology (the Board) has been created and given powers by Vermont law in Chapter 51, Title 26, of the Vermont statutes Annotated. The Board's purpose is to protect the public health, safety, and welfare. The Board does this by setting standards for issuing licenses, licensing only qualified applicants, and regulating practices of license holders in the practice of radiography, nuclear medicine technology, radiation therapy technology. The Board establishes suitable performance standards concerning competency requirements of certain licensed practitioners as defined by statute.

The Board of Radiologic Technology (“the Board”) has been created by Vermont law, Title 26 Chapter 51 of the Vermont Statutes Annotated which confers certain powers and duties on the Board. The Board is created to protect the public health, safety, and welfare by setting standards for issuing licenses, licensing qualified applicants, and regulating the practice of license holders. The Board maintains a website at http://vtprofessionals.org/. Practitioners should periodically consult the website for matters of interest to the profession.

1.2 Business Address

The Board's business address is the Office of the Secretary of State, Office of Professional Regulation, Montpelier, Vermont 05609-1106 (telephone 802-828-2363) (“the Office”). You can get copies of these rules and more information about the Board and its requirements and procedures by contacting the Office.

The Board’s business location and mailing address can be found on the Board’s website at http://vtprofessionals.org/. Copies of these rules and more information about the Board and its requirements and procedures may be obtained by contacting the Office of Professional Regulation (the “Office”) at 802-828-1505. This information may also be obtained from the Board’s website at http://vtprofessionals.org/.

1.3 Board Members and Officers

The Board’s composition is set forth in 26 V.S.A. § 2811. is made up as follows:

- 2 members; consumers not associated with the radiologic field:

- 1 member; radiologist certified by the American Board of Radiology.

- 1 member; physician, not a radiologist, who utilizes x-ray equipment in the normal course of his or her practice:
2 members; licensees under this chapter.

1 member; radiation specialist associated with the Vermont Department of Health.

Board members are appointed by the Governor for a three year term. The Board once a year elects a chairperson and a secretary to serve until their successors are elected. You may obtain a list of the names and addresses of Board members and officers from the Office.

The duties of the officers are:

Chairperson: Calls Board meetings; presides at Board meetings; signs all certificates, vouchers and other official Board papers; gives the public and all Board members notice of Board meetings and other Board activities.

Secretary: Supervises preparation of the Board's correspondence; supervises the taking of the minutes of meetings; certifies transcripts of Board proceedings; may sign all certificates. The secretary presides in the absence of the chairperson.

Board Members shall meet at least annually and elect a Chair, Vice-Chair and Secretary. This election shall be in September or at the next meeting thereafter.

1.4 Regular, Special and Emergency Meetings

The Board must hold at least one regular meeting a year. The chairperson or two members may call a special or emergency meeting if it is necessary. A majority of the members of the Board shall be a quorum for transacting business. All action shall be upon a majority vote of the members present and voting.

1.54 Laws That Govern the Board

The Board is governed by a specific state law that establishes its responsibilities for setting standards, issuing licenses, and regulating the profession. The law is set forth in 26 V.S.A. §§ 2801-2832. In addition, the Board is obligated to comply with several other state laws such as the Administrative Procedure Act 3 V.S.A. §§ 801-849, the "Law of Professional Regulation" (3 V.S.A. §§ 121-131), the "Right To Know Law" (1 V.S.A. §§ 312-314), and the "Access To Public Records Law" (1 V.S.A. §§ 315-320). These laws spell out your rights as an applicant, license holder, or member of the public. You can get a written summary of your rights from the Office. If you want to read the complete text of any of these laws, contact your town clerk or library. Most have copies of the Vermont Statutes Annotated.

The Board is created by Chapter 51, Title 26, Vermont Statutes Annotated, which establishes the Board’s responsibilities for setting standards, issuing licenses, and regulating the profession. Board powers are also conferred by subchapter III of Chapter 5 of Title 3 “Professional Regulation,” the statutes creating and governing the Office (3 V.S.A. §§ 121-131). In addition to the “Professional Regulation” statutes, the Board is subject to other state laws including the
“Administrative Procedure Act” (3 V.S.A. §§ 801-849), the “Open Meeting Law” (1 V.S.A. §§ 310-314), the “Access to Public Records Law” (1 V.S.A. §§ 315-320), and the “Law of Professional Regulation” (3 V.S.A. §§ 121-131).

1.6 Board Rules

The Board’s rules have the effect of law and govern its proceedings. In making rules, the Board must follow the Administrative Procedure Act. The provisions of the Act dealing with rulemaking are in 3 VSA §§ 801-808 and 817-849. The Office helps the Board comply with the Act. The Board reviews its rules periodically and revises them as needed.

The Board is authorized to make these rules under Chapter 51 of Title 26. In making or revising rules, the Board must follow the Administrative Procedure Act (“Act”). These rules are approved by the Vermont Legislative Committee on Administrative Rules and have the force of law. 3 V.S.A. § 845(a).

1.7 Special Equipment

A general radiography license is required to use special equipment for applying radiation to humans. General radiography involves the application of ionizing radiation to humans from an external source of radiation to produce radiographs or to collect data by any means. Special equipment includes, but is not limited to, equipment used in mammography, computed axial tomography, and computer-assisted low radiation energy studies (for example, dual photon densitometers).

1.6 Advisory Opinions

Interpretation of the meaning of Board Rules and statutes may occur when the Board decides an unprofessional conduct case. The Board is not authorized to issue advisory opinions.

Part 2. INFORMATION FOR APPLICANTS

2.1 Need for a License

You are not allowed to practice radiologic technology in Vermont unless you are currently licensed. You may not intentionally apply ionizing radiation to humans; give a radioactive substance to a human being for diagnostic purposes or perform associated imaging procedures; or apply ionizing radiation to human beings for therapeutic purposes, unless you are licensed or exempt. Exempt are doctors of medicine, osteopathy, chiropody, dentistry, podiatry or chiropractors; employees of the United States; certified dental hygienists; certain registered dental assistants; students under supervision of licensed practitioners or under supervision of licensed radiologic technologists (excluding limited radiographers); Medical physicians, and osteopathic physicians, must satisfy the Board of their competency to apply ionizing radiation to human beings.
2.2 Penalty and Enforcement

You may be fined up to $1,000 or imprisoned for up to 30 days or both if you do not comply with the law governing the practice of radiologic technology, 26 V.S.A. §§ 2801-2832. The Attorney General or a State's Attorney may bring a civil action to restrain continuing violations of the law. You may also be assessed a civil penalty of not more than $1,000 if you practice radiologic technology.

2.3 Where to Request an Application

If you would like an application for a license or more information about the application process, you should call or write the Office. (See Rule 1.2 for the Board's business address and telephone number.)

2.4 How to get a License

Here are the things you must do:

(1) Meet the qualifications. You must have reached the age of majority (18 years), have completed preliminary education equivalent to at least four years of high school and in addition:

For GENERAL RADIOGRAPHY License, have graduated from a radiology technology training program offered by a school of radiologic technology approved by the Board and have passed an examination offered by the Board or have obtained private certification from the American Registry of Radiologic Technologists (ARRT);

For LIMITED RADIOGRAPHY License, have passed an examination approved by the Board.

To be eligible to take the examination approved by the Board, you must either have completed a course of training which is approved by the Board and which includes a final examination or, for each endorsement, have completed 160 hours of practical, documented, verifiable on-the-job radiologic technology training satisfactory to the Board and directly and personally supervised by a licensed radiologic technologist, radiologist, or licensed practitioner who has demonstrated competency to the Board. You must contact the Board for information about minimum training requirements satisfactory to the Board. The limited license shall be endorsed for chest radiography only, for extremity radiography only, or for both.

For NUCLEAR MEDICINE License, have graduated from a nuclear medicine technology program offered by a school approved by the Board and have passed an examination offered by the Board or have obtained private certification from the ARRT or the Nuclear Medicine Technologist Certification Board (NMTCB);

For RADIATION THERAPY License, have graduated from a radiation therapy training program offered by a school of radiologic technology approved by the Board and have passed an examination offered by the Board or have obtained private primary certification from the ARRT.
(2) Show a valid license from another state. The Board shall license applicants who are otherwise qualified and licensed under the laws of another state or country whose requirements the Board deems to be substantially equal to those of Vermont.

(3) Complete your application and send it with the required fee. Make out a check payable to the Vermont Secretary of State. Mail the application and your check to: Vermont Board of Radiologic Technology, Office of the Secretary of State, Office of Professional Regulation, 109 State Street, Montpelier, Vermont 05609-1106

Call or write the Office for an application.

(4) A temporary permit shall be issued to an applicant for a general radiography, nuclear medicine, radiation therapy or PET/CT license who meets all the qualifications except passage of a required examination. This permit shall be valid until the next examination is given, corrected, and acted upon by the Board. If the applicant passes, a regular license will be issued. If he or she fails, the temporary permit shall be withdrawn. A graduate of an approved program of radiologic technology who fails the examination may have his or her temporary permit renewed or reissued no more than two consecutive times to permit the applicant to take the next two scheduled examinations. An applicant who thereafter fails an examination shall not be granted a temporary permit. An approved applicant may take the examination a total of four times. An applicant who has not successfully completed the examination after four attempts is no longer eligible for a temporary permit.

(5) Take the written examination. We will give the examination at least twice a year at a time and place set well in advance. For information on scheduling, write or call the Office. You must submit a completed application to the Board at least 90 days before the examination.

(6) Oral and/or Practical Examinations may also be required as determined by the Board.

(7) Receive notification. We will send you the results of your examination promptly. You have a right to discuss the results with the Office.

(8) Retake the Examination. If you fail the examination, you may take a second examination within the next twelve months but you must resubmit your application and the required fee.

2.5 Licenses

The Board will issue the applicant a license to practice radiologic technology in one or more of the three fields primary or post-primary/specialty modalities if you meet all of the Board’s requirements. You must display your license or licenses conspicuously in your principal place of practice.

2.6 Your Right to a Written Decision

The Board must make all decisions on whether you are granted or denied a license. If the Board
denies you a license, the Board must give you its specific reasons in writing.

2.7 Your Right to Appeal

If you are not satisfied with the Board's decision, within 30 days of the date that you are issued a notice of denial of an application for a license, you may file a petition with the Board for a review of its preliminary decision. At the hearing, the burden shall be on you to show that a license should be issued. After the hearing, the Board shall affirm or reverse its preliminary denial.

If you are not satisfied with the Board's decision, you may appeal to the Director of the Office of Professional Regulation. You must make this appeal within 30 days of receiving the Board's decision. If the Board denies you a license, the Board must also inform you of your right to appeal its decision to the Director. You may obtain information about the appeal process from the Office.

Part 3. INFORMATION FOR LICENSED RADIOLOGIC TECHNOLOGISTS

3.1 Renewing Your License:

You must renew your license every two years and pay a renewal fee. The Office will mail you a renewal application at least 30 days prior to the required renewal date.

You are responsible for notifying the Office promptly if you change your name or address. If you have moved without giving the Office your new address, you may not receive a renewal application. It is still your responsibility to renew on time.

If you do not renew your license by the expiration date, it will expire automatically. To have your license reinstated after it has expired, you must apply to the Board for approval and pay the required fee.

3.2 Professional Standards

The Board may refuse to issue or renew your license, may suspend or revoke your license, or may initiate other disciplinary actions for unprofessional conduct which in general involves:

(1) Fraud or deceit in obtaining a license.

(2) Gross Negligence, incompetency, or misconduct.

(3) Violation of the Board's rules and regulations.

Specific grounds for unprofessional conduct are set forth in 26 V.S.A. § 2831.

The Board shall accept oral and written complaints from any source. The Board may initiate
action in any complaint against a licensee and may act without having received a complaint.

The burden of proof shall be on the State to show by a preponderance of the evidence that the licensee has engaged in unprofessional conduct.

3.3 Accessibility and Confidentiality of Information

1) All meetings and hearings of the Board shall be open to the public unless excepted under the provisions of 1 V.S.A. §§ 312-313.

(2) The Office shall maintain a register of all complaints, which shall be a public record and which shall show with respect to all complaints, the date and nature of the complaint, but not including the identity of the licensee, and a summary of the Board's completed investigation. If disciplinary charges are filed, the record shall show the name and business addresses of the licensee and complainant, the formal charges served, the findings, conclusions, and order of the Board, the transcript of the hearing, if one was made, and exhibits admitted at the hearing, a copy of the stipulations approved by the Board, and final disposition of the matter by the appellate officer or the courts.

(3) Any licensee may inspect all information in possession of the Board pertaining to himself or herself with exception of investigatory files which have not resulted in charges of unprofessional conduct and attorney work product.

Part 42. COMPETENCY REQUIREMENTS OF CERTAIN LICENSED PRACTITIONERS

4.1 Who is Governed Under this Statute

Notwithstanding the exemptions contained in 26 V.S.A. § 2803, no medical physician, osteopathic physician, podiatrist, or chiropractor shall apply ionizing radiation to human beings for diagnostic or therapeutic purposes without first having satisfied the Board of his or her competency to do so. This section does not apply to radiologists who are certified or eligible for certification by the American Board of Radiology.

4.22.1 Standards and Requirements Under 26 V.S.A. § 2804

All persons as defined in Section 4.1 shall be subject to the following standards and requirements: shall apply ionizing radiation to human beings without first being certified as competent by the Board. The Board shall approve a course, not to exceed six (6) hours, which shall be satisfactorily completed for initial certification and thereafter biennially for recertification. The course shall include the following: radiation biology, radiation physics, exposure reduction, radiation safety, safe equipment operation, image processing, image evaluation, quality control and patient consideration. Information regarding the approved course, as well as the applicable fees, is available from the Board’s web site at http://vtprofessionals.org/.
A. All users shall complete a program of radiography self-study determined by the Board. This shall include but not be limited to the generation of x-rays and gamma rays and their interaction with matter, principles of radiography, shielding and film image processing. This self-study program shall be completed at initial licensing and shall be repeated at intervals to be determined by the Board.

B. Users who make plain radiographs shall do the following:

1. File an Annual Report on forms provided by the Board, which shall include the following:

   a. type and age of the film screen systems and frequency of cleaning
   b. technique charts
   c. repeat rate including the leading 3 causes
   d. type of equipment and date of most recent inspection or calibration
   e. method of processing
      1) automatic processor
         a) type
         b) age
         c) frequency of cleaning
      2) hand processing
         a) frequency of change of chemicals
   f. annual number of exams and types of exams
   g. names and license numbers of all persons applying ionizing radiation

2. A Board inspector shall inspect premises as the Board deems necessary to conduct a competency evaluation. The inspection shall include but not be limited to the following:

   a. Quality Control Evaluation
      1) random film evaluation for
         a) collimation
b) film blackening

c) positioning

d) appropriate patient shielding

e) processing

2) review of method of documentation of Last Menstrual Period (LMP)

3) mock positioning and exposure

b. report of equipment type, including film/screen combinations

c. report on evaluation of processor chemicals and cleanliness or chemicals if manual processing technique

3. Radiologist Quality Control check of films selected randomly by date for:

a. diagnostic quality of film

b. quality control

1) collimation

2) processing

3) appropriate patient shielding

C. (c) Fluoroscopy users shall do the following:

1. Complete a course of instruction or demonstrate to a qualified expert or his or her qualified designee the appropriate use of fluoroscopy equipment enabling optimum equipment use at the least possible patient exposure. Upon completion of such course or documentation, a notarized statement of course completion shall be sent to the Board. This documentation shall be updated at time intervals to be determined by the Board:

a. in the hospital setting, the hospital administrator or his or her qualified designee shall provide documentation

b. in an office setting, a qualified radiologist or radiologic technologist shall provide documentation

2. keep a log of procedures and fluoro times for each procedure
3. file an Annual Report on forms provided by the Board, which shall include:

a. tube outputs and type of unit

b. types of exams
e. date of most recent inspection and calibration
d. type of patient shielding
c. documentation of LMP's

f. number of procedures performed annually

4. Visitation by a Board inspector shall occur periodically as the Board deems necessary and shall include but not be limited to the following:

a. quality control evaluation including but not limited to appropriate selection of kilovoltage (KV), milliamperage (MA), time, collimation, shielding, selection of source to image distance, mock positioning and equipment

b. evaluation of radiographic films as per section B2 above

c. evaluation of fluoro time logs, procedures performed

4.32.2 Renewal of Competency Endorsement Certification

You must renew your competency endorsement certification must be renewed under 26 V.S.A. § 2804 every two years by satisfactorily completing the competency course and paying a renewal fee. The Office will mail you a renewal application at least 30 days prior to the required renewal date.

You are responsible for notifying the Office promptly if you change your name or address. If you have moved without giving the Office your new address, you may not receive a renewal application. It is your responsibility to renew on time.

If you do not renew your competency endorsement certification by the expiration date, it will expire automatically. To have your certification reinstated after it has expired, you must re-apply to the Board for approval and pay the required fee.

4.4 Penalty and Enforcement
You may be fined up to $1,000.00 or imprisoned for up to 30 days or both if you do not comply with this statute. The Attorney General or a State's Attorney may bring civil action to restrain continuing violations of the law.

2.3 Fluoroscopy Users

Those practitioners defined under Section 2804 who receive a competency certification from the Board and who utilize fluoroscopy must keep a log of procedures and exposure times and document fluoro exposure times for each procedure in the patient’s medical records.

Part 5. COMPLAINT PROCEDURE

5.1 Initiating a Complaint

The Board follows the current complaint procedure recommended by the Office of Professional Regulation. You may obtain a copy of the complaint procedure by contacting the Office.

5.2 Confidentiality and Appeals

A. Confidentiality; Access to Documents

The Board follows the confidentiality provisions of the Law of Professional Regulation, 3 V.S.A. § 131. All identifying information regarding complaints remains confidential until disciplinary charges are filed.

B. Appeals

A party aggrieved by a final decision of the Board may, within 30 days of the decision, appeal that decision by filing a notice of appeal with the Director of the Office of Professional Regulation. Information about the appeal process may be obtained from the Office.

Part 63. CONTINUING EDUCATION

6.1 Continuing Education Standard

All persons licensed by the Board to practice radiologic technology, including persons holding limited radiography licenses, must earn a minimum of 24 hours of continuing education credits during a two-year period, and must report these credits at the time of license renewal. Persons holding more than one license issued by the Board are not required to obtain more than the minimum 24 credit hours during a two-year period.

6.23.1 Guidelines For Continuing Education Credit Courses

The 24 credit hours earned during each two-year period must be obtained from educational activities which follow the guidelines for acceptable course content as described by the American
Registry of Radiologic Technologists (ARRT) and the Nuclear Medicine Technologist Certification Board (NMTCB). The American Society of Radiologic Technologists (ASRT/ECE), the Society of Nuclear Medicine Technologists (SNM-TS/VOICE), the Society of Diagnostic Medical Sonographers (SDMS), and the Vermont Society of Radiologic Technologists (VSRT) are acceptable, recognized continuing education evaluation mechanisms (RCEEM) from which to receive course approval. Credits will be accepted at the rate of one credit per 50 to 60 minutes of instruction. Educational activities of 30 to 49 minutes duration will be accepted as one-half of a continuing education credit. Activities lasting less than 30 minutes will receive no credit.

At least 50 percent of the continuing education credits earned during each two-year period must be assigned Category A credit as defined by the ARRT. The remaining 50 percent may be assigned Category A or Category B credit as defined by the ARRT.

The distinction between Category A and Category B activities is based upon whether the activity has been reviewed and pre-approved by an RCEEM. Category A activities have been pre-approved by an RCEEM. Category B activities have not been pre-approved by an RCEEM. Activities which a licensee intends to use for Category B credits must satisfy the ARRT’s definition as a continuing education activity even though they have not been submitted to an RCEEM for approval.

The Board will recognize examination exemptions as defined by the ARRT as satisfying continuing education requirements for the two-year period at issue.

At the time of license renewal, each licensee must certify on the renewal form that he or she is currently complying with the continuing education requirements as set forth in these rules. Each licensee must successfully complete 24 credit hours of continuing education within a two-year period, which will begin with the licensee’s birth month and end 24 months later. Licensees who do not follow the birth-month biennium may follow the Board’s May license renewal biennium. During any biennial renewal period, the Board may randomly audit not more than 20 percent of licensees to ensure compliance with continuing education rules.

A licensee who is audited will be notified in writing by the Board and will be required to produce written documentation showing successful completion of 24 hours of continuing education during the two-year period at issue.

6.33.2 Failure to Meet Continuing Education Requirement

A licensee who fails to comply with the continuing education requirement may be subject to investigation and possible charges of unprofessional conduct under 26 V.S.A. §2831 (b)(4) (failing to comply with provisions of federal or state statutes or rules governing the profession).

If there are deficiencies in a licensee’s continuing education requirements, the Board may permit the licensee to develop and complete a corrective plan within 90 days.
6.4 Effective Date of Continuing Education Requirement

The reporting of continuing education credits required under this part will begin with the 1997 license renewal period. This means beginning with the licensee's birth month of 1995, the licensee then has 24 months to accrue the 24 continuing education credits. Any licensee granted a license during any given two-year period will begin to accrue credits in the next full two-year period. Statutory Authority: 26 V.S.A. §§2801-2832.

Effective Date: January 20, 1995 (Secretary of State Rule Log #95-10)