

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH
Authority on Radiation Protection
Statutory Authority: 16 Delaware Code, Section 7406 (16 Del.C. §7406) 16 DE Admin. Code
4466

ORDER

FINAL

4466 Radiation Technologists/Technicians (Certification)

Nature of the Proceedings

The Delaware Authority on Radiation Protection (The Authority) initiated proceedings to adopt Rules and Regulations Governing the State of Delaware Regulations Governing Certification of Radiation Technologists/Technicians. The Authority's proceedings to adopt regulations were initiated pursuant to 29 **Delaware Code** Chapter 101 and authority as prescribed by 16 **Delaware Code**, Chapter 74.

On December 1, 2005, The Authority published in the *Delaware Register of Regulations* (Vol. 9, Issue 6) its notice of proposed regulations, pursuant to 29 **Delaware Code** Section 10115. It requested that written materials and suggestions from the public concerning the proposed regulations be delivered to The Authority by January 6, 2006, or be presented at a public hearing on January 4, 2006, after which time The Authority would review information, factual evidence and public comment to the said proposed regulations.

Findings of Fact

No verbal comments were received during the public hearing and no written comments were received during the official public comment period. The public comment period was open from December 1, 2005 through January 6, 2006. Verifying documents are attached to the Hearing Officer's record. The regulation has been reviewed and approved by the Delaware Attorney General's office.

The Authority finds that the proposed regulations, as set forth in the attached copy should be adopted in the best interest of the general public of the State of Delaware.

THEREFORE, IT IS ORDERED, that the State of Delaware Regulations Governing Certification of Radiation Technologists/Technicians are adopted and shall become effective February 10, 2006, after publication of the final regulation in the *Delaware Register of Regulations*.

William L. Holden, III, Chair, January 13, 2006

4466 Radiation Technologists/Technicians (Certification)

This Regulation is approved by the Authority on Radiation Protection on February 17, 1989, pursuant to 16 **Del.C.** §7406(c). Radiation Technologists/Technicians are "users of ionizing radiation" and, therefore, subject to certification by the Authority on Radiation Protection. This Regulation is effective ~~November 10, 2003~~ February 10, 2006.

1.0 Findings

The Authority hereby finds and declares that the citizens of the State of Delaware are entitled to the maximum protection practicable from the harmful effects of excessive and improper exposure to ionizing radiation; that the protection can be increased by requiring appropriate education and training of individuals operating medical and dental equipment and sources emitting ionizing radiation; and that it is therefore necessary to establish certification standards in radiation protection principles for these operators and to provide for their appropriate examination and certification.

6 DE Reg. 99 (7/1/02)

2.0 Title of Regulation

This regulation shall be known as the "Radiation Technologist/Technician Certification Regulation".

6 DE Reg. 99 (7/1/02)

3.0 Severability

If any provision or application of any provision of these Regulations is held invalid, that invalidity shall not affect other provisions or applications of these Regulations.

6 DE Reg. 99 (7/1/02)

4.0 Definitions

4.1 As used in this regulation:

"Agency" means the administrative agent of the Authority on Radiation Protection; i.e., the Office of Radiation Control, Division of Public Health, Department of Health and Social Services.

"ARRT" means American Registry of Radiologic Technologists. A national certifying body that credentials through a national test graduates of JRCERT approved radiologic technology programs. The ARRT also provides the State Limited Scope Licensing Examination to be used by individuals who do not meet the national registry requirements.

"Authority" means the Authority on Radiation Protection as specified by 16 Del.C. §7404.

"CCI" means Cardiovascular Credentialing International. A national certifying body that credentials technologists in invasive cardiovascular procedures.

"Certificate" means a document issued by the Agency recognizing the successful completion of an Authority approved Certification Exam. The "Certificate" allows for the practice of radiation technology as specified by the level of examination the individual has passed. Other credentials include "Temporary".

"Temporary Certificate" means a certificate issued by the Agency as a temporary authorization to practice Radiation Technology to any applicant who has complied with the provisions of this regulation and is scheduled for the next available examination.

"Certification Examination" means any examination satisfactory to the Authority that is used to determine the competency of Radiation Technologists/Technicians in the "principles and practice of radiation protection".

"CIS" (Cardiovascular Invasive Procedure Specialist) means any individual, other than a licensed practitioner who has trained to perform procedures in a catheterization lab or special procedures lab that require the use of radiation.

"CODA" means Commission on Dental Accreditation.

"Dental Assistant" means an individual, other than a "Licensed Practitioner", who applies radiation to humans for diagnostic purposes in dentistry.

"DANB" means Dental Assisting National Board which provides national ~~registration~~ credentialing for dental assistants.

"Fee" means the money [see schedule A] an individual must pay:

to apply for and to take the certification examination

for Re-certification - to reinstate an expired certificate for Renewal - to renew a valid certificate

"JRCERT" means Joint Review Committee on Education in Radiologic Technology

"JRCECT" means Joint Review Committee on Education in Cardiovascular Technology

"Licensed Practitioner" means an individual licensed to practice medicine, dentistry, dental hygiene, podiatry, chiropractic, or osteopathy in this State.

"Medical Radiographer" means an individual, other than a Licensed Practitioner, who exposes humans to ionizing radiation for diagnostic purposes in medicine, podiatry, chiropractic, or osteopathy.

"NMTCB" means Nuclear Medicine Technologist Certification Board which provides national certification of Nuclear Medicine Technologists.

"Nuclear Medicine Technologist" means an individual, other than a Licensed Practitioner, who uses radiopharmaceutical agents on humans for diagnostic and/or therapeutic purposes.

"Radiation Technician" means any individual who has not graduated from a approved program in radiation technology, but has passed an Authority approved examination.

"Radiation Technologist" means any individual who has successfully completed a JRCERT/JRCCVT approved program in radiation technology and/or has passed a national certification examination in his/her field of specialization.

"Radiation Technology" means the use of a radioactive substance or equipment emitting ionizing radiation on humans for diagnostic or therapeutic purposes.

"Radiation Therapist" means an individual, other than a Licensed Practitioner, who exposes humans to ionizing radiation for therapeutic purposes.

"Source of Radiation" means a radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

"User of Ionizing Radiation" means an individual who supervises the application of ionizing radiation and/or applies ionizing radiation to human beings for diagnostic, therapeutic and/or research purposes (16 Del.C. §7403(9)).

6 DE Reg. 99 (7/1/02)

7 DE Reg. 639 (11/1/03)

5.0 Legal Titles

5.1 No individual, other than a Licensed Practitioner or Certified Radiation Technologist/Technician, shall use a Source of Radiation on humans for diagnostic, therapeutic and/or research purposes.

5.1.1 The Authority shall establish certification requirements for Radiation Technologists/Technicians; i.e., Dental Assistant, Dental Radiation Technician, Medical Radiographer, Medical Radiologic Technologist, Medical Radiation Technician, Nuclear Medicine Technologist, and Radiation Therapist and Cardiovascular Radiologic Technologist. Individuals holding these certificates shall be recognized by such title(s).

5.1.2 Any individual certified under this regulation is authorized to use a source of radiation on humans for diagnostic or therapeutic purposes under the supervision of a Licensed Practitioner, and in accordance with the Delaware Radiation Control Regulations.

5.1.3 Holders of a certificate (legal title) under this regulation shall display the official certificate or a verified copy in each place of regular employment.

6 DE Reg. 99 (7/1/02)

6.0 Credentialing Process

6.1 Classification of Credentials

6.1.1 Certificate (Section 7.1)

6.1.2 Temporary Certificate (Section 7.2)

6.2 Application

6.2.1 The Agency shall accept an application for credentialing from any Radiation Technologist/Technician who is at least 18 years of age or who is currently enrolled in and attending an educational program in radiation technology and who pays a non-refundable application and examination fee (if applicable) established by rule of the Authority.

6.2.2 One or more booklets on basic radiation protection and terminology, examination specifications, and requirements for certification and examination shall be prepared and distributed under the supervision of the Authority on Radiation Protection in consultation with appropriate professional associations. (see Schedule B) Upon acceptance of the application and examination fee, a copy of the booklet shall be sent to all applicants.

6.2.3 The application shall be valid for a period of six (6) months.

6.2.4 ~~Appropriate professional associations include:~~

- ~~•Dental Assistants Association~~
- ~~•Dental Hygienists Association~~
- ~~•Medical Society of Delaware~~
- ~~•Society of Nuclear Medicine Technologists Section~~
- ~~•Delaware Society of Radiology Professionals~~
- ~~•Dental Society of Delaware~~

The Agency shall issue a certificate to all applicants holding a current national credential from an Authority-recognized, national voluntary credentialing body (see Schedule C).

6.3 Examinations

6.3.1 The examination process shall be administered by the Authority on Radiation Protection or its designee, ~~the ARRT (American Registry of Radiologic Technologists), the CCI (Cardiovascular Credentialing International) or Experior Assessments, Inc.~~ by test administration companies under contract. The fee for examination shall accompany the application request.

6.3.2 The Authority may accept, in lieu of an examination, a current credential by a recognized national voluntary credentialing body, (see ~~Section 6.3.4~~ Schedule C) issued on the basis of an examination consistent with the

requirements established by the Authority, provided that the radiation protection standards to which that body adheres are at least as stringent as those established by the Authority.

6.3.3 An examinee who fails to pass the certification examination may be ~~re-examined~~ tested two times per calendar year, provided the prescribed application and examination fees for each re-examination are paid.

6.3.4 List of National Credentialing Organizations Acceptable for Delaware Certification

6.3.4.1 American Registry of Radiologic Technologists (ARRT)

6.3.4.2 Dental Assisting National Board (DANB)

6.3.4.3 Nuclear Medicine Technologist Certification Board (NMTCB)

6.3.4.4 Cardiovascular Credentialing International (CCI)

6 DE Reg. 99 (7/1/02)

7 DE Reg. 639 (11/1/03)

7.0 Issuing Credentials

7.1 The Agency may issue a permanent Certificate ~~or Temporary Certificate~~ to each applicant who has successfully met the requirements under Section 6.20, is at least 18 years of age, and has paid the prescribed fees. Furthermore, the Certificate shall be issued on verifying that the applicant has passed a certification examination acceptable to the Authority [see 6.3.1 and 6.3.2 above]. The initial permanent Certificate shall expire after a period of four (4) years from date of issue. Certificates based on national credentials will automatically terminate if the national credentials are permitted to lapse.

7.2 Temporary Certificate. The Agency may issue a Temporary Certificate to any person whose ~~certification or re-certification may be pending and when issuance is justified by special circumstances~~ national credential. ~~A Only one A~~ Temporary Certificate may be issued if the Agency finds that it will not violate the purpose of this regulation or endanger the public health and safety. ~~A The~~ Temporary Certificate shall grant the same rights as the credential for which the applicant is awaiting examination. Such ~~Temporary Certificate~~ credential may not be renewed by the Agency without the approval of the Authority and only for just cause.

7.2.1 The Temporary Certificate shall expire:

7.2.1.1 on the date of notification of the results of the certification examination; or,

7.2.1.2 on the certification examination date if the applicant does not take the examination; or,

7.2.1.3 in any case, after a maximum of ~~365~~ 90 days from the date of issue.

7.3 Renewal of Permanent Certificate. A valid permanent certificate may be renewed by the Agency for a period of four (4) years upon payment of a renewal fee (see Schedule A) established by the Authority.

7.3.1 Applicants for renewal of certificates based on national credentials must provide proof that the national credentials are currently valid. A photocopy of the national credential membership card or certificate in good standing is the proof required.

7.4 A Radiation Technologist/Technician whose certificate ~~has lapsed for a period of less than 180 days shall apply for re-certification provided that he/she presents evidence of having previously passed a Certification Examination approved by the Authority and pays the re-certification fee~~ expires is not permitted to take radiographs until the expired certificate is renewed. A grace period of 30 days following the expiration date of a permanent certificate is granted to allow the affected individual to renew the expired certificate.

7.5 A Radiation Technologist/Technician whose permanent certificate has lapsed for ~~more than 180 days shall: a period of less than 180 days shall apply for re-certification provided that he/she presents evidence of having previously passed a certification examination approved by the Authority and pays the re-certification fee.~~

7.6 A Radiation Technologist/Technician whose permanent certificate has lapsed for more than 180 days shall:

7.56.1 Apply for re-certification

7.56.2 Apply to take the appropriate certification examination or show proof of currently valid national credentials

7.56.3 Pay the re-certification and re-examination fees

7.67 A radiation technologist/technician who has allowed his/her certificate to expire shall not expose humans to ionizing radiation until and unless he/she is re-certified. Failure to comply with this requirement will subject the technician/technologist's employer to citation under the Delaware Radiation Control Regulations addressing Radiation Machine or Radioactive Material Facility Registration.

6 DE Reg. 99 (7/1/02)

8.0 Limitations of Credentials

8.1 Nothing in the provisions of this regulation relating to Radiation Technology shall limit, enlarge, or affect the practice of Licensed Practitioners herein defined.

8.2 The requirement for certification shall not apply to a resident physician, dentist, dental hygienist or to a student enrolled in and attending a school or college of medicine, osteopathy, chiropractic, podiatry, dentistry, or radiation technology who applies ionizing radiation to humans in such an educational program while under the supervision of a certified Radiation Technologist.

8.3 A certificate, registration or license issued by another state will not be accepted as a valid equivalent Radiation Technologist/Technician certification by the Authority.

6 DE Reg. 99 (7/1/02)

9.0 Appeals, Enforcements and Penalties

9.1 Offenses. The following is a list of offenses which are grounds for disciplinary actions of a certified Radiation Technologist or certified Radiation Technician and are the basis for refusal of an application for certification:

9.1.1 The certificate holder or applicant:

9.1.1.1 has been found guilty of fraud or deceit in procuring or attempting to procure a certificate to practice radiation technology; or

9.1.1.2 has been convicted of a felony; or

9.1.1.3 has been convicted of a crime involving moral turpitude or gross immorality; or

9.1.1.4 is unfit or incompetent by reason of gross negligence; or

9.1.1.5 is addicted to the use of habit-forming drugs and not currently under treatment for the addiction; or

9.1.1.6 has a physical or mental condition that prohibits the certificate holder from performing the essential functions of the practice authorized by the certificate; or

9.1.1.7 has a certificate to practice as a registered technologist that has been suspended or revoked in any jurisdiction; or

9.1.1.8 is guilty of unprofessional conduct, or the willful neglect of a patient.

9.2 Disciplinary Sanctions. The Authority on Radiation Protection may impose any of the following sanctions singly or in combination when it finds a certificate holder or an applicant is guilty of any offense described in Section 9.1:

9.2.1 Permanently revoke a certificate to practice

9.2.2 Suspend a certificate until the certificate holder provides proof that the conditions in response to which the suspension was issued no longer exist.

9.2.3 Censure a certificate

9.2.4 Issue a letter of reprimand

9.2.5 Refuse a certificate (Applicant)

9.2.6 Refuse to renew a certificate

9.3 Procedure

9.3.1 The Agency may, upon complaint or upon its own initiative, investigate whether a certificate holder or applicant has engaged in activities specified in this section as grounds for disciplinary action. The Agency shall file a complaint with the Authority seeking to impose sanctions against the alleged violator.

9.3.2 The Authority shall notify the alleged violator of the complaint and offer the alleged violator the opportunity for a hearing, which must be requested within 30 days of the date of notification. If the alleged violator does not timely request a hearing, the proposed sanctions shall become final. If the alleged violator makes a timely request for a hearing, the Authority shall schedule the hearing and give the alleged violator at least 15 days notice prior to the date fixed for the hearing.

9.3.3 In all proceedings herein:

9.3.3.1 The alleged violator may be represented by counsel who shall have the right of examination and cross-examination.

9.3.3.2 The alleged violator and the Agency may subpoena witnesses. Subpoenas shall be issued by the Chairman or Vice Chairman of the Authority upon written request.

9.3.3.3 Testimony before the Authority shall be under oath. Any member of the Authority shall have power to administer oaths for this purpose.

9.3.3.4 A stenographic record of the hearing shall be made by a qualified court reporter. At the request and expense of either party such record shall be transcribed with a copy to the other party.

9.3.3.5 The decision of the Authority shall be based upon a preponderance of the evidence. If the charges are supported by such evidence, the Authority may refuse to issue, or may revoke or may suspend a certificate, or otherwise discipline a certificate holder as outlined in these regulations.

9.3.3.6 The decision of the Authority will be sent to the alleged violator by certified mail.

9.3.3.7 Any final order of the Authority may be appealed to the Superior Court.

9.3.3.8 All findings of the original action, hearing, appeal and conclusions will be held in file at the Agency.

9.3.3.9 The Agency shall notify the employer of the alleged violator of any final order of the Authority regarding any action taken against the certification of that employee by registered, return receipt mail.

9.4 Judicial Review by Superior Court

9.4.1 Any final order entered in any proceeding by the Authority shall be subject to judicial review by the Delaware Superior Court per 16 Del.C. §7412(c).

9.5 Unlawful Practice of Radiation Technology

9.5.1 No person shall practice or offer to practice radiation technology or claim to be a registered or certified radiation worker in Delaware, or shall use any title, abbreviation, sign, card, or device to indicate that such person is certified pursuant to this regulation unless such person is actually certified by the Authority on Radiation Protection.

6 DE Reg. 99 (7/1/02)

SCHEDULE A Credential Fees

Certificate Category	Application	Examination	Renewal
Dental Assisting	Included in examination fee per testing organization	Per Testing Organization	\$50 <u>40.00</u> for 4 years

Medical Radiation Technician	\$10.00	Per Testing Organization	\$50 <u>40.00</u> for 4 years
Medical Radiologic Technologist	\$10.00	Per National Board	\$50 <u>40.00</u> for 4 years
Nuclear Medicine	\$10.00	Per National Board	\$50 <u>40.00</u> for 4 years
Radiation Therapy	\$10.00	Per National Board	\$50 <u>40.00</u> for 4 years
<u>Cardiovascular Radiologic Technologist</u>	<u>\$10.00</u>	<u>Per National Board</u>	<u>\$50.00</u> for 4 years

6 DE Reg. 99 (7/1/02)

SCHEDULE B

Delaware Professional Associations

Dental Assistants Association

Dental Hygienists Association

Medical Society of Delaware

Society of Nuclear Medicine Technologists Section
Delaware Society of Radiology Professionals
Dental Society of Delaware

SCHEDULE C

**LIST OF NATIONAL CREDENTIALING ORGANIZATIONS ACCEPTABLE FOR DELAWARE
CERTIFICATION**

1. American Registry of Radiologic Technologists (ARRT)
2. Dental Assisting National Board (DANB)
3. Nuclear Medicine Technologist Certification Board (NMTCB)
4. Cardiovascular Credentialing International (CCI)

9 DE Reg. 1213 (02/01/06) (Final)