

The Texas Medical Board (Board) proposes the repeal of current Chapter 186, concerning Respiratory Care Practitioners §§186.1 – 186.14, §§186.16 – 186.30.

The Board also proposes new Chapter 186, concerning Medical Radiologic Technology. This includes new Subchapter A, concerning Texas Board of Medical Radiologic Technology, §§186.1 – 186.4; Subchapter B, concerning Medical Radiologic Technologist Certification, Registration, and Practice Requirements, §§186.10 – 186.21; Subchapter C, concerning Non-Certified Technician Registration and Practice Requirements, §§186.25 – 186.32; Subchapter D, concerning Hardship Exemptions §186.40 and §186.41; Subchapter E, concerning Education Programs and Instructor Requirements, §186.45; and Subchapter F, concerning, Procedural Rules, §186.50 and §186.51.

Also, the Board contemporaneously proposes the repeal of current Chapter 194, concerning Medical Radiologic Technology. This includes Subchapter A, concerning Certificate Holders, Non-Certified Technicians, and Other Authorized Individuals Or Entities, §§194.1 – 194.13, §§194.15 – 194.34.

The Board has determined that due to the extensive reorganization of Chapters 160-200, repeal of Chapter 186 is more efficient than proposing multiple amendments to make the required changes.

The proposed new subchapters and sections are as follows:

SUBCHAPTER A. TEXAS BOARD OF MEDICAL RADIOLOGIC TECHNOLOGY.

New §186.1, Definitions, defines words and terms used in new Chapter 186.

New §186.2, Functions and Duties, explains the functions and duties of the Board and its members.

New §186.3, Meetings, explains how Board meetings are conducted.

New §186.4, Standing Committees, identifies and describes the function of the 3 Standing Committees of the board, the Disciplinary Committee, Licensure Committee, and Education Committee.

SUBCHAPTER B. MEDICAL RADIOLOGIC TECHNOLOGIST CERTIFICATION, REGISTRATION, AND PRACTICE REQUIREMENTS.

New §186.10. General Requirements for Certification, outlines the general requirements for an MRT certification.

New §186.11, Requirements for a Radiologist Assistant Certificate, outlines the requirements for certification as a Radiologist Assistant.

New §186.12, Requirements for a General Medical Radiologic Technologist Certificate, outlines the general requirements for certification as a Medical Radiologic Technologist.

New §186.13, Requirements for a Limited Medical Radiologic Technologist Certificate, outlines the limited requirements for certification as a Medical Radiologic Technologist.

New §186.14, Current Clinical Practice, outlines the submission of an applicant's professional or work history information for board review when seeking certification.

New §186.15, Temporary Certificates, explains the requirements and process to obtain a temporary Medical Radiologic Technology Certificate.

New §186.16, Procedural Rules for Certificate Applicants, outlines the general requirements for Applicants to obtain a Medical Radiologic Technology certification.

New §186.17, Recertification, outlines the requirements for a certificate holder who has retired or who has surrendered their certificate and is seeking reissuance of a certificate.

New §186.18, Certificate Registration and Renewal, outlines the general requirements of certificate registration and renewal.

New §186.19, Biennial Continuing Education (CE) Requirements, explains the requirements regarding the Medical Radiologic Technology biennial continuing medical education.

New §186.20, Scope of Practice, describes the dangerous and hazardous procedures that may be performed as are specified in §601.056 of the Act.

New §186.21, Professional Identification, explains the type of certification which must be displayed at all times when performing procedures.

SUBCHAPTER C. NON-CERTIFIED TECHNICIAN REGISTRATION AND PRACTICE REQUIREMENTS.

New §186.25, Non-Certified Technicians (NCTs), outlines specific documentation and payment of fee requirements that an NCT must provide in order to qualify for a NCT certification.

New §186.26, Education Standards for Non-Certified Technician (NCT), outlines specific educational standards as an applicant for NCT licensure.

New §186.27, Procedural Rules for Non-Certified Technician (NCT) Applicants, outlines the general requirements for an applicant to obtain an NCT certification.

New §186.28, Renewal of Non-Certified Technician (NCT) Registration, outlines the general requirements for NCT registration renewal.

New §186.29, Biennial Non-Certified Technician (NCT) Continuing Education (CE) Requirements, explains the requirements regarding the NCT's biennial continuing education.

New §186.30, Reissuance of Registration for Non-Certified Technicians (NCTs), outlines the requirements for an NCT who has retired or who has surrendered their registration and is seeking to be reissued registration.

New §186.31, Limited Practice of Non-Certified Technicians (NCTs), explains the parameters an NCT may not perform regarding a dangerous or hazardous procedure as defined by §186.12 of this subtitle.

New §186.32, Professional Identification, states the requirement that an NCT must display identification certification at all times when performing procedures.

SUBCHAPTER D. HARDSHIP EXEMPTIONS.

New §186.40, Hardship Exemptions, explains the hardship exemption qualifications that a practitioner or hospital may qualify for if it meets specific outlined criteria.

New §186.41, Bone Densitometry Exemption, describes the specific performance criteria for the practitioner, registered nurse, physician assistant, certificate holder, or a certified densitometry technologist regarding bone density using x-radiation.

SUBCHAPTER E. EDUCATION PROGRAMS AND INSTRUCTOR REQUIREMENTS.

New §186.45, Education Programs and Instructor Requirements, outlines the requirements of education programs and instructors to be accredited for LMRT and NCT certification.

SUBCHAPTER F. PROCEDURAL RULES.

New §186.50, Procedural Rules, Procedural Rules, explains the applicable rules applied to complaints and investigations, disciplinary guidelines and sanctions, and compliance in accordance with §601.311 of the Act.

New §186.51, On-Going Reporting Requirements, explains that a certificate holder or NCT must report any event listed in §162.2(b)(1) through (7) of this title within 10 days after the event.

Scott Freshour, General Counsel for the Texas Medical Board, has determined that, for each year of the first five years the proposed repeals and new sections are in effect, the public benefit anticipated as a result of enforcing these proposed sections will be to remove redundant language from rules, simplify the rules, and make the rules easier to understand.

Mr. Freshour has also determined that for the first five-year period these proposed repeals and new sections are in effect, there will be no fiscal impact or effect on government growth as a result of enforcing the proposed sections.

Mr. Freshour has also determined that for the first five-year period these proposed repeals and new sections are in effect there will be no probable economic cost to individuals required to comply with these proposed sections.

Pursuant to Texas Government Code §2006.002, the agency provides the following economic impact statement for these proposed repeals and new sections and determined that for each year of the first five years these proposed repeals and new sections will be in effect there will be no effect on small businesses, micro businesses, or rural communities. The agency has considered alternative methods of achieving the purpose of these proposed repeals and new sections and found none.

Pursuant to Texas Government Code §2001.024(a)(4), Mr. Freshour certifies that this proposal has been reviewed and the agency has determined that for each year of the first five years these proposed repeals and new sections are in effect:

- (1) there is no additional estimated cost to the state or to local governments expected as a result of enforcing or administering these proposed repeals and new sections;
- (2) there are no estimated reductions in costs to the state or to local governments as a result of enforcing or administering these proposed repeals and new sections;
- (3) there is no estimated loss or increase in revenue to the state or to local governments as a result of enforcing or administering these proposed repeals and new sections; and
- (4) there are no foreseeable implications relating to cost or revenues of the state or local governments with regard to enforcing or administering these proposed repeals and new sections.

Pursuant to Texas Government Code §2001.024(a)(6) and §2001.022, the agency has determined that for each year of the first five years these proposed repeal and new sections will be in effect, there will be no effect on local economy and local employment.

Pursuant to Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for these proposed repeal and new sections. For each year of the first five years these proposed repeal and new sections will be in effect, Mr. Freshour has determined the following:

- (1) These proposed repeals and new sections do not create or eliminate a government program.
- (2) Implementation of these proposed repeals and new sections does not require the creation of new employee positions or the elimination of existing employee positions.
- (3) Implementation of these proposed repeals and new sections does not require an increase or decrease in future legislative appropriations to the agency.
- (4) These proposed sections do not require an increase or decrease in fees paid to the agency.
- (5) These proposed repeals and new sections do not create new regulations.

(6) These proposed repeals and new sections do repeal existing regulations as described above. These proposed new sections do not expand or limit an existing regulation.

(7) These proposed repeals and new sections do not increase the number of individuals subject to the sections' applicability.

(8) These proposed repeals and new sections do not positively or adversely affect this state's economy.

Comments on the proposal may be submitted using this link:

<https://forms.office.com/g/LXqDi1pYME>. A public hearing will be held at a later date. Comments on the proposal will be accepted for 30 days following publication.

The repeal of the rules is proposed under the authority of the Texas Occupations Code Annotated, §153.001, which provides authority for the Board to recommend and adopt rules and bylaws as necessary to: govern its own proceedings; perform its duties; regulate the practice of medicine; and enforce this subtitle. The repeal of the rules is also proposed in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. No other statutes, articles or codes are affected by this proposal.

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§186.1. Purpose.

§186.2. Definitions.

§186.3. Meetings and Committees.

§186.4. Procedural Rules and Qualifications for Certificate Applicants.

§186.5. Recertification.

§186.6. Biennial Renewal of Certificate.

§186.7. Temporary Permit.

§186.8. Inactive Certificate.

§186.9. Reissuance of Certificate Following Revocation.

§186.10. Continuing Education Requirements.

§186.11. Respiratory Care Practitioner Scope of Practice.

§186.12. Tasks Not Permitted to be Delegated to a Respiratory Care Practitioner.

§186.13. Identification Requirements.

§186.14. Physician Direction.

§186.16. Employment Guidelines.

§186.17. Grounds for Denial of Certification and for Disciplinary Action.

§186.18. Discipline of Respiratory Care Practitioners.

§186.19. Administrative Penalties.

§186.20. Complaints.

§186.21. Investigations.

§186.22. Impaired Respiratory Care Practitioners.

§186.23. Third Party Reports to the Advisory Board.

§186.24. Procedure.

§186.25. Compliance.

§186.26. Voluntary Relinquishment or Surrender of Respiratory Care Practitioner Certificate.

§186.27. Duty to Report Certain Conduct to the Advisory Board.

§186.28. Retired Certificate.

§186.29. Report of Impairment on Registration Form.

§186.30. Exemption from Licensure for Certain Military Spouses.

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The new rules are proposed under the authority of the Texas Occupations Code Annotated, §153.001, which provides authority for the Board to recommend and adopt rules and bylaws as necessary to: govern its own proceedings; perform its duties; regulate the practice of medicine; and enforce this subtitle; and establish rules related to licensure. The new rules are also proposed under the authority of the Texas Occupations Code Annotated §601.0522. No other statutes, articles or codes are affected by this proposal.

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SUBCHAPTER A. TEXAS BOARD OF MEDICAL RADIOLOGIC TECHNOLOGY.

§186.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) ABHES -- Accrediting Bureau of Health Education Schools.
- (2) Act -- The Medical Radiologic Technologist Certification Act, Texas Occupations Code, Chapter 601.
- (3) Advisory Board -- Texas Board of Medical Radiologic Technology
- (4) ARRT -- The American Registry of Radiologic Technologists and its predecessor or successor organizations.
- (5) ASRT -- The American Society of Radiologic Technologists and its predecessor or successor organizations.
- (6) CBRPA -- Certification Board for Radiology Practitioner Assistants.
- (7) JRCCVT -- The Joint Review Committee on Education in Cardiovascular Technology.
- (8) JRCERT -- The Joint Review Committee on Education in Radiologic Technology.
- (9) JRCNMT -- The Joint Review Committee on Educational Programs in Nuclear Medicine Technology.
- (10) Limited Medical Radiologic Technologist (LMRT) -- A certificate holder who is limited to administer radiation to only specific body areas. The areas are skull, chest, spine, extremities, podiatric, chiropractic and cardiovascular.
- (11) NMTCB -- Nuclear Medicine Technology Certification Board and its successor organizations.

(12) Non-certified Technician (NCT) -- A person who has completed a training program approved by the Advisory Board and who is registered with the Advisory Board under this chapter.

(13) SACS -- The Southern Association of Colleges and Schools, Commission on Colleges.

(14) Sponsoring Institution -- A hospital, educational, other facility, or a division thereof, that offers or intends to offer a course of study in medical radiologic technology.

§186.2. Functions and Duties.

(a) In accordance with §601.052 of the Act, Advisory Board duties and functions include:

(1) establishing standards for the practice of Medical Radiologic Technology;

(2) regulating medical radiologic technologists and non-certified technicians through certification and discipline;

(3) receiving complaints and investigating possible violations of the Act and the Advisory Board rules;

(4) reviewing, modifying, proposing, and adopting rules;

(5) considering, reviewing, and approving policy and changes as necessary; and

(6) acting as a resource concerning proposed legislative changes to reflect current medical and healthcare needs and practices.

(b) Individual Advisory Board members are required to:

(1) identify and disclose any conflicts of interest that may interfere with carrying out their duties and functions or that may impede their ability to be fair and impartial, and recuse from such matters;

(2) comply with the Act;

(3) maintain the highest levels of professional and ethical conduct, including, but not limited to:

(A) A board member shall not appear as an expert witness in any case in which a licensee of the board is a party and in which the expert testimony relates to standard of care or professional malpractice;

(B) A board member shall not appear in any administrative proceeding involving the exercise of the board's licensing or disciplinary authority before the board or the State Office of Administrative Hearings (SOAH) in which proceeding a licensee of the board is a party; and

(C) A board member shall refrain from making any statement that implies that the board member is speaking for the board if the board has not voted on an issue or unless the board has given the board member such authority; and

(4) immediately disclose if they are subject to a non-disciplinary or disciplinary action by any health care facility or professional licensing entity.

(c) Failure to comply with any of the requirements set forth in the Act or this section will be reported to the Office of the Governor.

§186.3. Meetings.

(a) Advisory Board meetings shall be conducted in compliance with Texas Government Code, Chapter 551, and, to the extent possible, pursuant to the provisions of Robert's Rules of Order Newly Revised.

(b) Special meetings may be called by the presiding officer or resolution of the Advisory Board.

(c) The Advisory Board may act only by majority vote of its members present and voting. Proxy votes are not allowed.

§186.4. Standing Committees.

The Standing Committees of the Advisory Board are as follows:

(1) Disciplinary Committee:

(A) reviews and makes recommendations to resolve complaints, close investigations and dismiss cases, and hears complainant appeals;

(B) recommends, reviews, and develops improvements of the disciplinary process, rules, policies, and other related matters; and

(C) receives reports on enforcement activities and statistical information.

(2) Licensure Committee:

(A) reviews applications and makes recommendations, based on eligibility criteria, for certification of medical radiologic technologists and non-certified technicians;

(B) recommends, reviews, and develops changes to the licensure process, rules, policies, and other related matters as necessary; and

(C) maintains communication with medical radiologic technologist programs.

(3) Education Committee:

(A) reviews and makes recommendations concerning educational and training requirements for certification as a medical radiologic technologist or registration as a non-certified technician in Texas; and

(B) reviews and makes recommendations for approval or rescinding approval of medical radiologic technologist or non-certified technician education program curricula and instructors.

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The new rules are proposed under the authority of the Texas Occupations Code Annotated, §153.001, which provides authority for the Board to recommend and adopt rules and bylaws as necessary to:

govern its own proceedings; perform its duties; regulate the practice of medicine; and enforce this subtitle; and establish rules related to licensure. The new rules are also proposed under the authority of the Texas Occupations Code Annotated §601.0522. No other statutes, articles or codes are affected by this proposal.

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SUBCHAPTER B. MEDICAL RADIOLOGIC TECHNOLOGIST CERTIFICATION, REGISTRATION, AND PRACTICE REQUIREMENTS.

§186.10. General Requirements for Certification.

(a) All applicants for certification must meet the requirements in §601.105 of the Act and submit:

(1) the board required application form;

(2) payment of the required fee and additional fees and surcharges as applicable:

(A) Radiologist Assistant fee of \$140.00;

(B) General or Limited Medical Radiologic Technologist fee of \$80.00;

(C) Temporary General or Temporary Limited Medical Radiologic Technologist fee of \$30.00;

(D) Non-Certified Radiologic Technician fee of \$60.00; and

(3) required documentation including, but not limited to:

(A) an educational transcript;

(B) a current national certification;

(C) a certified transcript of specialty examination scores;

(D) a birth certificate or other similar proof of age;

(E) Professional or Work History Evaluation forms demonstrating or relating to the practice of radiologic technology for the preceding five years from the date of the application;

(F) National Practitioner Data Bank/Health Integrity and Protection Data Bank report (NPDB-HIPDB), if applicable;

(G) FBI/DPS Fingerprint Report;

(H) documentation of alternate name or name change, if applicable;

(I) arrest records, if applicable;

(J) malpractice records, if applicable;

(K) treatment records for alcohol or substance use disorder or any physical or mental illness impacting the ability practice, if applicable;

(L) military orders or DD214, if applicable;

(M) evidence of passage of the Texas Jurisprudence examination with at least a score of 75; and

(N) any other documentation deemed necessary by the board to process an application.

(b) Applications are valid for one year from the date of submission. The one-year period can be extended for the following reasons:

(1) delay in processing an application;

(2) referral to the Licensure Committee;

(3) unanticipated military assignments, medical reasons, or catastrophic events; or

(4) other extenuating circumstances.

(c) In accordance with Texas Occupations Code, Chapter 55, military service members, veterans, and spouses must:

(1) meet the general requirements as set forth in subsection (a); and

(2) submit a completed application on the board-approved form and all additional documentation as required, with the exception of the application fee.

§186.11. Requirements for a Radiologist Assistant Certificate.

Applicants for a Radiologist Assistant Certificate must meet the requirements listed in §186.10 of this chapter and the requirements listed in §601.002(b-10) of the Act.

§186.12. Requirements for a General Medical Radiologic Technologist Certificate.

(a) Applicants for a General Medical Radiologic Technologist certificate must meet the requirements listed in §186.10 of this chapter and the requirements listed in §601.105 of the Act.

(b) To qualify for a general certificate, an applicant must meet at least one of the following requirements:

(1) current ARRT certification as a registered technologist, radiographer, radiation therapist, or nuclear medicine technologist; or

(2) current NMTCB certification as a nuclear medicine technologist.

§186.13. Requirements for a Limited Medical Radiologic Technologist Certificate.

(a) Applicants for a Limited Medical Radiologic Technologist Certificate must meet the requirements listed in §186.10 of this chapter and the requirements listed in §601.105 of the Act.

(b) To qualify for a limited certificate, an applicant must meet at least one of the following requirements:

(1) the successful completion of a limited program and successful completion of exam as set out in subsections (c) and (d) of this section; or

(2) current licensure, certification, or registration as an LMRT in another state, the District of Columbia, or a territory of the United States of America.

(c) Acceptable limited certificate programs training individuals to perform limited radiologic procedures must:

(1) be accredited by JRCERT, ABHES, or SACS (or other regional accrediting entities) to offer a limited curriculum in radiologic technology; or

(2) be accredited by JRCCVT to offer a curriculum in invasive cardiovascular technology.

(d) Limited certificate examinations.

(1) Accepted examinations for limited certificates are:

(A) ARRT limited scope of practice in radiography examinations for:

(i) skull;

(ii) chest;

(iii) spine;

(iv) extremities;

(v) chiropractic (spine and extremities); and

(vi) podiatric (podiatry); or

(B) Cardiovascular Credentialing International invasive registry examination for cardiovascular; or

(C) a limited radiography examination accepted for licensure in another state

(2) Eligibility for an ARRT limited scope of practice in radiography examination requires the applicant to:

(A) request and obtain Advisory board authorization; and

(B) provide the Advisory Board with documents showing completion of either:

(i) an approved limited program; or

(ii) education components necessary for the appropriate limited scope of practice in radiography examination signed by the program director or registrar.

(3) Authorization by the Advisory Board allows for three attempts to successfully pass the ARRT limited scope of practice in radiography examination with a score of 75.

(4) The minimum acceptable score for a cardiovascular limited certificate is 70.

(5) If an ARRT examinee does not successfully meet the requirements of paragraph (3) of this subchapter, they must:

(A) complete a board-approved continuing education course of at least 60 hours from an approved limited program; and

(B) seek authorization from the Advisory Board to be allowed one more attempt to pass with a score of 75 within one year. If they do not pass the extra attempt, they are ineligible for that particular limited certificate.

§186.14. Current Clinical Practice.

(a) All applicants must submit professional or work history evaluations demonstrating or relating to the practice as a medical radiologic technologist in the preceding five years from the date of application. "Current clinical practice" may be demonstrated by:

(1) currently practicing medical radiologic technology involving treatment of persons;

(2) enrollment as a student at an acceptable approved medical radiologic technology school; or

(3) appointment as an active teaching faculty member at an acceptable approved medical radiologic technology school.

(b) The Executive Director may offer to an applicant that cannot demonstrate current clinical practice as a medical radiologic technologist within the last three years from the date of application:

(1) a supervised temporary certificate as set forth in §186.15 of this chapter;

(2) remedial clinical education including, but not limited to, enrollment as a student at an acceptable approved medical radiologic technology school or other structured program approved by the Advisory Board; or

(3) other remedial measures necessary to ensure protection of the public and minimal competency of the applicant to safely practice.

§186.15. Temporary Certificates.

(a) Applicants for a Temporary Medical Radiologic Technology (TMRT) Certificate or a Temporary Limited Medical Radiologic Technology (TLMRT) Certificate must meet the requirements in §601.102 of the Act.

(b) A TMRT or TLMRT certificate may be issued to an applicant:

- (1) who is qualified for a certificate, subject to terms and conditions that require board approval;
- (2) who has satisfied the requirements of §186.10 of this chapter, with the exception of completion of the national certification or specialty examination; or
- (3) who must remedy current clinical practice issues set forth in §186.13 of this chapter.

(c) In order to be determined eligible for a temporary certificate to remedy a current clinical practice issue under §186.13 of this chapter, an applicant must be supervised by a general certificate holder or licensed practitioner, as defined by §601.002 of the Act, who:

- (1) has an unrestricted license or certificate in Texas;
- (2) has no pending investigation;
- (3) is not a relative or family member;
- (4) has never had a license or certificate revoked, suspended, restricted, or cancelled for cause; and
- (5) meets any other eligibility criteria established by the Advisory Board.

(d) Duration of Temporary Certificates is as follows:

- (1) TMRT – one year, with no renewal or reapplication; and
- (2) TLMRT – six months, with no renewal or reapplication.

(e) Temporary certificates shall terminate upon:

- (1) issuance of a full license; or
- (2) violation of conditions of a temporary certificate.

§186.16. Procedural Rules for Certificate Applicants.

(a) Applications will be processed in accordance with §601.105 of the Act.

(b) The Executive Director may offer to an applicant:

- (1) the option to withdraw an application with missing items, defects, omissions, or other errors and resubmit a corrected application;
- (2) a Remedial Plan;
- (3) an Agreed Order; or
- (4) other recommendations considered appropriate by the board.

(c) Applicants not approved for certification by the Executive Director may, within 20 days of notice of non-approval, request to appear before the Licensure Committee.

(1) If the applicant fails to take timely action, the application for certification shall be deemed withdrawn regardless of the board's action.

(2) The applicant shall be notified of the board's final determination.

(3) An applicant has 20 days from the date of the notice of the board's final decision to either accept the determination or request an appeal to the State Office of Administrative Hearings (SOAH).

§186.17. Recertification.

(a) For a certificate holder who retired or surrendered their certificate (including cancellation for non-payment) and who is seeking to be reissued a certificate, the following is required:

(1) all statutory requirements for certification must be met;

(2) application must be submitted and the required fee and additional fees and surcharges, as applicable, must be paid;

(3) the requirements of §186.10 of this chapter must be met;

(4) competency to resume practice must be demonstrated; and

(5) other remediation prescribed by the Advisory Board must be completed.

(b) In accordance with §601.305, applicants seeking recertification under this section will be reviewed and processed in accordance with §§164.151 and 164.152 of the Medical Practice Act.

§186.18 Certificate Registration and Renewal

(a) Certificate holders must renew the registration of their certificate on a biennial basis by:

(1) completing a board renewal form;

(2) submitting payment of the applicable biennial registration fee;

(A) if Radiologist Assistant, fee of \$100.00, and additional fees and surcharges as applicable;

(B) if General or Limited Medical Radiologic Technician, fee of \$66.00, and additional fees and surcharges as applicable;

(3) verifying and updating information related to their online verification;

(4) completing biennial Continuing Education (CE) required under §186.19 of this chapter; and

(5) providing other relevant information requested by board staff.

(b) Failure to renew before a certificate's expiration date will result in increased charges as follows:

- (1) 1-90 days late -- renewal fee plus one half of the renewal fee; and
- (2) 91 days-1 year late -- double the renewal fee.
- (3) Failure to renew within one year after the expiration date of the certificate will result in cancellation of the certificate.

§186.19. Biennial Continuing Education (CE) Requirements.

(a) As part of registration renewal, a certificate holder must complete Continuing Education (CE) each biennium as follows:

(1) For a radiologist assistant:

(A) a minimum of 23 hours in activities designated for Category A or A+ credits by ARRT as a Recognized Continuing Education Evaluation Mechanism (RCEEM) or RCEEM+; and

(B) a course in human trafficking prevention approved by the Executive Commissioner of the Texas Health and Human Services Commission.

(2) For a General Medical Radiologic Technologist (GMRT):

(A) a minimum of 24 hours, at least 12 hours of which must be in activities designated for Category A or A+ credits by ARRT as a Recognized Continuing Education Evaluation Mechanism (RCEEM) or RCEEM+, and any remaining credits may be composed of self-study or courses that are recorded and verifiable upon request by the board; and

(B) a course in human trafficking prevention approved by the Executive Commissioner of the Texas Health and Human Services Commission.

(3) For a Limited Medical Radiologic Technologist (LMRT):

(A) a minimum of 18 hours, at least nine of which must be in activities designated for Category A or A+ credits by ARRT as a Recognized Continuing Education Evaluation Mechanism (RCEEM) or RCEEM+, and any remaining credits may be composed of self-study or courses that are recorded and verifiable upon request by the board; and

(B) a course in human trafficking prevention approved by the Executive Commissioner of the Texas Health and Human Services Commission.

(b) Other CE that may be counted are:

(1) For an RA or MRT who renewed an ARRT certificate during the current biennial renewal period may use those CE credits, except for human trafficking prevention credit.

(2) For an RA, MRT, or LMRT who holds another health profession Texas license, registration, or certification may use the CE hours for the other license, registration, or certification, if the hours meet the requirements of this subsection, including human trafficking prevention, if applicable:

(A) no more than three hours credit during a renewal period for a cardiopulmonary resuscitation course or basic cardiac life support course;

(B) no more than six hours credit during a renewal period for an advanced cardiac life support course;

(C) no more than six hours credit for attendance in tumor conferences (limited to six hours), in-service education and training offered or sponsored by Joint Commission-accredited or Medicare certified hospitals; and

(D) no more than six hours for teaching in a program accredited by a board recognized accrediting organization.

(c) Military service members have the same CE requirements but are allowed extensions in accordance with Chapter 55.003 of the Texas Occupations Code, as applicable.

(d) CE Carry Forward:

(1) For RAs or MRTs, a maximum of 48 credit hours may be carried forward.

(2) For LMRTs, a maximum of 24 hours may be carried forward.

(3) The human trafficking prevention credit cannot be carried forward.

(4) Credits cannot be carried forward or applied more than two years following the period in which they are earned.

(e) Exemptions for CE requirements.

(1) Requests must be made in writing at least 30 days prior to expiration of the biennial renewal period for the following reasons:

(A) catastrophic illness;

(B) military service of longer than one year's duration outside the United States;

(C) licensee's residence of longer than one year's duration outside the United States; or

(D) other good cause.

(2) Exemptions are subject to the approval of the Executive Director of the board and may not exceed two years.

§186.20. Scope of Practice.

(a) Dangerous and hazardous procedures may only be performed by those individuals specified in §601.056 of the Act, unless otherwise indicated below.

(b) Dangerous procedures are:

(1) nuclear medicine studies to include positron emission tomography (PET);

(2) administration of radio-pharmaceuticals, not including preparation or dispensing except as regulated under the authority of the Texas State Board of Pharmacy;

(3) radiation therapy, including simulation, brachytherapy, and all external radiation therapy beams including Grenz rays:

(4) Computed Tomography (CT) or any variation thereof;

(5) interventional radiographic procedures, including angiography; in addition to individuals specified in §601.056 of the Act an LMRT with a cardiovascular category certificate may perform these;

(6) fluoroscopy; in addition to individuals specified in §601.056 of the Act, an LMRT with a cardiovascular category certificate may perform these; and

(7) cineradiography (including digital acquisition techniques); in addition to individuals specified in §601.056 of the Act, an LMRT with a cardiovascular category certificate may perform these.

(c) Hazardous procedures are:

(1) conventional tomography;

(2) skull radiography, excluding anterior-posterior/posterior-anterior (AP/PA), lateral, Townes, Caldwell, and Waters views;

(3) portable x-ray equipment;

(4) spine radiography, excluding AP/PA, lateral and lateral flexion/extension views;

(5) shoulder girdle radiographs, excluding AP and lateral shoulder views, AP clavicle, and AP scapula;

(6) pelvic girdle radiographs, excluding AP or PA views;

(7) sternum radiographs;

(8) radiographic procedures which utilize contrast media; and

(9) pediatric radiography, excluding extremities; in addition to the individuals specified under §601.056 of the Act an LMRT with the appropriate category certification may perform these. Pediatric studies must be performed with radioprotection so that proper collimation and shielding is utilized during all exposure sequences.

(d) Mammography may only be performed in compliance with federal and state law specific to mammography, including Mammography Quality Safety Act and Texas Radiation Control Program.

(e) LMRTs may perform hazardous procedures if within the scope of their certification.

(f) Only an LMRT who holds a limited certificate in the cardiovascular category may perform procedures using contrast media and/or ionizing radiation for imaging a disease or condition of the cardiovascular system.

§186.21. Professional Identification.

Identification indicating certification type must be displayed at all times when performing procedures.

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The new rules are proposed under the authority of the Texas Occupations Code Annotated, §153.001, which provides authority for the Board to recommend and adopt rules and bylaws as necessary to: govern its own proceedings; perform its duties; regulate the practice of medicine; and enforce this subtitle; and establish rules related to licensure. The new rules are also proposed under the authority of the Texas Occupations Code Annotated §601.0522. No other statutes, articles or codes are affected by this proposal.

<rule>

SUBCHAPTER C. NON-CERTIFIED TECHNICIAN REGISTRATION AND PRACTICE REQUIREMENTS.

§186.25. Non-Certified Technicians (NCTs).

(a) A person who is not legally authorized under §601.101 of the Act or is exempt from certification under §§601.151 through 601.157 of the Act may intentionally use radiologic technology only if they submit the following to the Advisory Board:

- (1) the board-required application form;
- (2) payment of the required fee of \$60.00, and additional fees and surcharges as applicable; and
- (3) required documentation, including but not limited to:
 - (A) evidence of completion of a board approved NCT program;
 - (B) birth certificate or other similar proof of age;
 - (C) Professional or Work History Evaluation forms demonstrating or relating to the practice of radiologic technology for the preceding five years from the date of the application;
 - (D) FBI/DPS Fingerprint Report;
 - (E) documentation of alternate name or name change, if applicable;
 - (F) training program transcript, if requested;
 - (G) arrest records, if applicable;
 - (H) malpractice records, if applicable;
 - (I) treatment records for alcohol or substance use disorder or any physical or mental illness impacting the ability practice, if applicable;
 - (J) military orders or DD214, if applicable;
 - (K) evidence of passage of Texas Jurisprudence examination with at least a score of 75; and

(L) any other documentation deemed necessary by the board to process an application.

(b) Applications are valid for one year from the date of submission. The one-year period can be extended for the following reasons:

(1) delay in processing an application;

(2) referral to the Licensure Committee;

(3) unanticipated military assignments, medical reasons, or catastrophic events; or

(4) other extenuating circumstances.

(c) In accordance with Texas Occupations Code, Chapter 55, military service members, veterans, and spouses must:

(1) meet the general requirements as set forth in subsection (a); and

(2) submit a completed application on the board-approved form and all additional documentation as required, with the exception of the application fee.

§186.26. Education Standards for Non-Certified Technician (NCT).

(a) Placement on the Non-Certified Technician (NCT) registry requires successful completion of an approved program of 120 total classroom hours with the following minimum requirements:

(1) radiation safety and protection for the patient, self and others -- 22 classroom hours;

(2) image production and evaluation -- 24 classroom hours; and

(3) radiographic equipment maintenance and operation -- 16 classroom hours including at least 6 hours of quality control, darkroom, processing, and Texas Regulations for Control of Radiation; and

(4) anatomy and radiologic procedures of the:

(A) skull (5 views: Caldwell, Townes, Waters, AP/PA, and lateral) -- 10 classroom hours;

(B) chest -- 8 classroom hours;

(C) spine -- 8 classroom hours;

(D) abdomen, not including any procedures utilizing contrast media -- 4 classroom hours;

(E) upper extremities -- 14 classroom hours;

(F) lower extremities -- 14 classroom hours.

(b) The training program hours must be live, in-person, and directed by an approved instructor.

§186.27. Procedural Rules for Non-Certified Technician (NCT) Applicants.

(a) Applications will be processed in accordance with §601.105 of the Act.

(b) The Executive Director may offer to an applicant:

(1) the option to withdraw an application with missing items, defects, omissions, or other errors and resubmit a corrected application;

(2) a Remedial Plan;

(3) an Agreed Order; or

(4) other recommendations considered appropriate by the board.

(c) Applicants not approved for registration by the Executive Director may, within 20 days of notice of non-approval, request to appear before the Licensure Committee.

(1) If the applicant fails to take timely action, the application for registration shall be deemed withdrawn regardless of the board's action.

(2) The applicant shall be notified of the board's final determination.

(3) An applicant has 20 days from the date of the notice of the board's final decision to either accept the determination or request an appeal to the State Office of Administrative Hearings (SOAH).

§186.28. Renewal of Non-Certified Technician (NCT) Registration.

(a) Non-Certified Technicians (NCTs) must renew the registration of their registration on a biennial basis by:

(1) completing a board renewal form;

(2) submitting payment of a biennial registration fee of \$56.00, and additional fees and surcharges, as applicable;

(3) verifying and updating information related to their online verification;

(4) completing biennial Continuing Education (CE) required under §186.29 of this chapter; and

(5) providing other relevant information requested by board staff.

(b) Failure to renew before a registration's expiration date will result in increased charges as follows:
1 day-1 year late -- \$50.00

(c) Failure to renew within one year after the expiration date of the registration will result in cancellation of the NCT registration.

§186.29. Biennial Non-Certified Technician (NCT) Continuing Education (CE) Requirements.

(a) A Non-Certified Technician (NCT) must complete 12 hours of continuing education each biennium as follows:

(1) a minimum of 6 hours in activities designated for Category A or A+ credits by ARRT as a Recognized Continuing Education Evaluation Mechanism (RCEEM) or RCEEM+;

(2) a course in human trafficking prevention approved by the Executive Commissioner of the Texas Health and Human Services Commission; and

(3) the remaining credits may be composed of self-study or courses and made available upon board request.

(b) A maximum of 12 hours may be carried forward, except the human trafficking prevention credit cannot be carried forward. The credits cannot be carried forward or applied more than two years following the period in which they are earned.

(c) Exemptions for CE requirements.

(1) Requests must be made in writing at least 30 days prior to expiration of the biennial renewal period for the following reasons:

(A) catastrophic illness;

(B) military service of longer than one year's duration outside the United States;

(C) licensee's residence of longer than one year's duration outside the United States; or

(D) other good cause.

(2) Exemptions are subject to the approval of the Executive Director of the board and may not exceed two years.

§186.30. Reissuance of Registration for Non-Certified Technicians (NCTs)

(a) For a Non-Certified Technician (NCT) who retired or surrendered their registration (including non-payment) and who is seeking to be reissued registration, the following is required:

(1) all statutory requirements for certification must be met;

(2) an application must be submitted and the required fee and additional fees and surcharges, as applicable, must be paid;

(3) the requirements of §186.10 of this subtitle must be met;

(4) competency to resume practice must be demonstrated; and

(5) other remediation prescribed by the Advisory Board must be completed.

(b) Applicants seeking reissuance of registration under this section will be reviewed and processed in accordance with §§164.151 and 164.152 of the Medical Practice Act.

§186.31. Limited Practice of Non-Certified Technicians (NCTs).

A Non-Certified Technician (NCT) may not perform a radiologic procedure identified as dangerous or hazardous, as defined by §186.20 of this chapter.

§186.32 Professional Identification.

Identification indicating NCT status must be displayed at all times when performing procedures.

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The new rules are proposed under the authority of the Texas Occupations Code Annotated, §153.001, which provides authority for the Board to recommend and adopt rules and bylaws as necessary to: govern its own proceedings; perform its duties; regulate the practice of medicine; and enforce this subtitle; and establish rules related to licensure. The new rules are also proposed under the authority of the Texas Occupations Code Annotated §601.0522. No other statutes, articles or codes are affected by this proposal.

<rule>

SUBCHAPTER D. HARDSHIP EXEMPTIONS.

§186.40. Hardship Exemptions.

(a) A hospital, federally qualified health center (FQHC) as defined by 42 U.S.C. §1396d, or practitioner may qualify for a hardship exemption from employing an MRT, LMRT, or NCT for the following reason(s):

- (1) inability to attract or retain a MRT, LMRT, or NCT when the practitioner's practice, FQHC, or hospital is located in a county with a population of less than 50,000;
- (2) the practitioner's practice, FQHC, or hospital is more than 200 highway miles from the nearest approved school of medical radiologic technology;
- (3) the approved school(s) of medical radiologic technology has a waiting list of school applicants due to a lack of faculty or space for a training program;
- (4) the practitioner's, FQHC's, or hospital's need exceeds the number of graduates from the nearest approved school(s) of medical radiologic technology; or
- (5) emergency conditions have occurred during the 90 days immediately prior to making application for the hardship exemption.

(b) To obtain a hardship exemption, the hospital, FQHC, or practitioner must submit the following, in addition to meeting the requirements of §601.203 of the Act:

- (1) completed board approved application form notating the basis for the hardship;
- (2) payment of the required \$30.00 fee and additional fees and surcharges as applicable;
- (3) DPS/FBI fingerprint report for individuals who will perform the radiologic procedures; and
- (4) any other information deemed necessary to process an application.

- (c) If granted, a hardship exemption is valid for one year and must be reapplied for annually.
- (d) No more than seven individuals will be allowed to perform radiologic procedures under the hardship exemption, if granted.

§186.41. Bone Densitometry Exemption.

Bone densitometry using x-radiation may be performed by:

- (1) a practitioner;
- (2) a registered nurse or physician assistant;
- (3) a certificate holder; or
- (4) a certified densitometry technologist who meets the following:
 - (A) in good standing with the International Society for Clinical Densitometry (ISCD);
 - (B) has successfully completed the ARRT bone density exam; or
 - (C) has at least 20 hours of documented training as follows:
 - (i) 16 hours using bone densitometry equipment utilized x-radiation; and
 - (ii) 4 hours of radiation safety and protection training.

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The new rules are proposed under the authority of the Texas Occupations Code Annotated, §153.001, which provides authority for the Board to recommend and adopt rules and bylaws as necessary to: govern its own proceedings; perform its duties; regulate the practice of medicine; and enforce this subtitle; and establish rules related to licensure. The new rules are also proposed under the authority of the Texas Occupations Code Annotated §601.0522. No other statutes, articles or codes are affected by this proposal.

<rule>

SUBCHAPTER E. EDUCATION PROGRAMS AND INSTRUCTOR REQUIREMENTS.

§186.45. Education Programs and Instructor Requirements.

- (a) General certificate education programs must be accredited by an accrediting body recognized by:
 - (1) the Council for Higher Education Accreditation, including but not limited to the JRCNMT; or
 - (2) the United States Secretary of Education, including but not limited to JRCERT, ABHES, or SACS.
- (b) General requirements for LMRT and NCT education program approval includes submission of the following by the program director:

- (1) completed board-approved application form;
 - (2) required fee of \$500.00 and additional fees and surcharges as applicable;
 - (3) other documentation deemed necessary to process an application.
- (c) Program directors of LMRT education programs must submit evidence of current accreditation by:
- (1) JRCERT, ABHES, or SACS to offer a limited curriculum in radiologic technology; or
 - (2) JRCCVT to offer a curriculum in invasive cardiovascular technology.
- (d) Program directors of NCT education programs must submit documentation of the following board forms with any required supporting documentation:
- (1) Program General Information;
 - (2) Program Outline and Curriculum;
 - (3) Program Equipment and Safety Compliance;
 - (4) Program Director and Instructors;
 - (5) Program Student Education File;
 - (6) Texas Workforce Commission form, and if approval has not been granted by the Texas Higher Education Coordinating Board, a letter or documentation from the Texas Workforce Commission, Career Schools and Colleges Section, indicating that the proposed training program has complied with or has been granted exempt status under Texas Education Code, Chapter 132; and
 - (7) Program Attestation.
- (e) Requirements for NCT Instructors.
- (1) In accordance with §601.052 of the Act, an individual may apply to be approved as a NCT instructor by submitting the following:
- (A) a board approved application form;
 - (B) required fee of \$50.00 and additional fees and surcharges as applicable;
 - (C) documents regarding qualifications, including;
 - (i) current MRT certification;
 - (ii) current LMRT certification (not a temporary certificate) in the same area as the proposed area of instruction; or
 - (iii) current licensure for practitioners; and
 - (D) other information deemed necessary to process an application.

(2) Approval as an NCT instructor must be obtained at least 30 days before providing any instructional services in a board-approved NCT training program.

(f) Other standards for programs and instructors are:

(1) Approval must be obtained before beginning a program or acting as an instructor.

(2) Approval of a training program or as an NCT instructor is valid for three years. The program or instructor may reapply for approval.

(3) A program director must report the following to the board within 30 days after the event:

(A) any change of address of the program;

(B) any change in status of approved instructors or program director(s); and

(C) any change in accreditation status.

(4) Programs must retain copies of program records for five years.

(5) Applications for approval are considered by the Executive Director. If a program or instructor is not approved, they may appeal for reconsideration by the Education Committee of the board.

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The new rules are proposed under the authority of the Texas Occupations Code Annotated, §153.001, which provides authority for the Board to recommend and adopt rules and bylaws as necessary to: govern its own proceedings; perform its duties; regulate the practice of medicine; and enforce this subtitle; and establish rules related to licensure. The new rules are also proposed under the authority of the Texas Occupations Code Annotated §601.0522. No other statutes, articles or codes are affected by this proposal.

<rule>

SUBCHAPTER F. PROCEDURAL RULES.

§186.50. Procedural Rules.

(a) In accordance with §601.311 of the Act, the Procedural Rules in Chapter 179 of this title shall apply, except to the extent those rules conflict with the Act, in which case the Act controls.

(b) The rules related to Complaints and Investigations in Chapter 177 of this title shall apply, except to the extent those rules conflict with the Act, in which case the Act controls.

(c) The rules related to Disciplinary Guidelines and Sanctions in Chapter 180 of this title shall apply, except to the extent those rules conflict with the Act, in which case the Act controls. Applicable rules for purposes of this subsection include, but are not limited to:

(1) practice inconsistent with public health and welfare;

- (2) unprofessional or dishonorable conduct;
- (3) disciplinary actions by state boards and peer groups;
- (4) aggravating and mitigating factors; and
- (5) criminal convictions.

(d) The rules related to Compliance in Chapter 181 of this title shall apply, except to the extent those rules conflict with the Act, in which case the Act controls.

§186.51. On-Going Reporting Requirements.

A certificate holder or NCT must report any event listed in §162.2(b)(1) through (7) of this title to the board within 10 days after the event.