TITLE 11
HAWAII ADMINISTRATIVE RULES
DEPARTMENT OF HEALTH

CHAPTER 44
RADIOLOGIC TECHNOLOGY BOARD
RADIOLOGIC TECHNOLOGY RULES

Effective 3/29/10
DEPARTMENT OF HEALTH

Amendment and Compilation of Chapter 11-44
Hawaii Administrative Rules
MAR 29 2010

SUMMARY

1. §§11-44-2 to 11-44-5 are amended.
2. §11-44-7 is amended and renumbered.
3. §§11-44-7.2 is renumbered.
4. §11-44-9 is added.
HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 44

RADIOLOGIC TECHNOLOGY BOARD
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Historical Note. Chapter 11-44 is based substantially on chapter 11-224. [Eff 9/5/81; R 12/27/91]

§11-44-1 Purpose. This chapter establishes minimum state standards of education, training, and experience for persons who apply x-rays to human beings for diagnostic purposes, or ionizing radiation to human beings for therapeutic purposes, or radiopharmaceuticals to human beings for diagnostic and therapeutic purposes. [Eff 12/27/91; am and comp 11/9/98; comp 4/15/93][MAR 09 2010] (Auth: HRS §§466J-2) (Imp: HRS §§466J-2, 466J-3)

§11-44-2 Definitions. As used in this chapter:

“Accreditation body” means the Joint Review Committee on Education in Radiologic Technology or the Joint Review Committee on Education in Nuclear Medicine.

“Approved school for radiologic technologists,” “approved training program for radiographers,” “approved training program
for radiation therapists," or "approved training program for
nuclear medicine technologists," mean a school or training
program determined and accredited by the radiologic technology
board as providing a course of instruction in radiologic
technology which is adequate to meet the purposes of this chapter
or one approved by the appropriate accreditation body which meets
the requirements of sections 11-44-10 and 11-44-11.

"Board" means radiologic technology board.

"Certified" means holding a license issued by the board
when used in conjunction with the title "radiation therapist,"
"radiographer," or "nuclear medicine technologist".

"Department" means the department of health.

"Director" means the director of health.

"Modality" means a diagnostic or therapeutic method
involving the use of radiation.

"Nuclear medicine technologist" means any person who
administers radiopharmaceuticals, or sources of radiation used in
nuclear medicine, to human beings and conducts in vivo or in
vitro detection and measurement of radioactivity for diagnostic
or therapeutic purposes.

"Nuclear medicine technology" means the application of
radiopharmaceuticals, or sources of radiation used in nuclear
medicine, to human beings and the performance of in vivo or in
vitro detection and measurement of radioactivity for diagnostic
or therapeutic purposes.

"Practice of nuclear medicine technology" means the
preparation and administration of radiopharmaceuticals or sources
of radiation used in nuclear medicine, the use of radiation
detection devices and laboratory equipment to measure and
quantity and distribution of radionuclides deposited in the
patient or in a patient specimen, and the performance of in vivo
or in vitro procedures with strict adherence to principles of
radiation protection. The practice of nuclear medicine
technology includes the modalities using positron emission
tomography, hybrid positron emission tomography and computed
tomography, and bone densitometry.

"Practice of radiation therapy technology" means the
administration of ionizing radiation to the human body, utilizing
various therapeutic equipment, including high energy linear
accelerators, particle generators, and radioactive materials, as
prescribed by a physician (radiation oncologist or therapeutic
radiologist), for the purpose of therapy treatment, performed
with strict adherence to principles of radiation protection.

"Practice of radiography" means the imaging of anatomical
structures, produced by the combined application of x-rays to the
human body and the application of knowledge in the fields of
anatomy, radiographic positioning, and radiographic technique,
for the purpose of medical diagnosis, with strict adherence to
principles of radiation protection. The practice of radiography also includes the modalities of mammography, computed tomography, interventional technology, cardiac interventional technology, and bone densitometry.

"Radiation therapist" means any person engaged in the practice of radiation therapy technology.

"Radiographer" means any person engaged in the practice of radiography.

"Radiologic technologist" means any person engaged in the practice of radiation therapy technology, or radiography, or nuclear medicine technology.

"Radiologic technology" means the practice of radiation therapy technology, or radiography, or nuclear medicine technology.


§11-44-3 Licenses required.  (a) No person shall practice or offer to practice as a radiographer or as a radiation therapist, or as a nuclear medicine technologist without a valid and appropriate license issued to that person by the board.

(b) No person shall conduct or offer to conduct the duties of a radiographer, radiation therapist, or a nuclear medicine technologist, nor shall any person utilize or conduct mammographic imaging, computed tomography imaging, interventional technology, or cardiac interventional technology, without a valid radiographer license issued to that person by the board.

(c) No person shall conduct or offer to conduct the duties of a radiographer or nuclear medicine technologist, or conduct or offer to conduct bone densitometry with an x-ray source without a valid radiographer or nuclear medicine technology license issued to that person by the board.  [Ebb 12/27/91; am and comp 11/9/98; am and comp] (Auth: HRS §§466J-2) (Imp: HRS §§466J-2)

§11-44-4 Application for license.  Any person desiring to practice as a radiographer, or radiation therapist, or nuclear medicine technologist shall submit an application to the board.  Applications shall be made on a form prescribed by the board.  An application for a license shall be filed with the board and shall be accompanied by a non-refundable application fee of $60 for the first license and $5 for each additional license.
Upon approval of the application by the board, the application fee shall serve as the initial license fee for first-time applicants. Persons reapplying for a license within one year of failing to renew a license issued by the board shall complete and submit an application for a license with a non-refundable re-application fee of $120. [Eff 12/27/91; am and comp 11/9/98; am and comp. 15/21 & 20/10] (Auth: HRS §§466J-2, 466J-5) (Imp: HRS §§466J-2, 466J-4, 466J-5)

§11-44-5 Minimum eligibility requirements for license.

(a) An applicant for a license to practice as a radiographer or radiation therapist shall submit to the board written evidence, verified by oath or affirmation, that the applicant is registered with the American Registry of Radiologic Technologists and is in good standing in the appropriate field of radiography or radiation therapy technology.

(b) An applicant for a license to practice as a nuclear medicine technologist shall submit to the board written evidence, verified by oath or affirmation, that the applicant is:

(1) Certified and is in good standing with the Nuclear Medicine Technology Certification Board; or

(2) Registered and is in good standing with the American Registry of Radiologic Technologists in nuclear medicine.

(c) A person who is licensed as a radiographer, radiation therapist, or nuclear medicine technologist by another state, which has licensure standards comparable to those in Hawaii as determined by the board, shall be eligible to receive a license as a radiographer, radiation therapist, or nuclear medicine technologist, respectively.

(d) The provisions of section 831-3.1, HRS, shall apply to those persons who have prior convictions of a crime relating to the subject matter on this chapter and who are applying for a license under this chapter.

(e) The executive officer or a duly appointed agent, under supervision of the chairperson or a duly appointed agent, shall review each application filed with the board, and shall advise the applicant on the form and completeness of the application; provided that nothing in this section shall be construed to limit the board's authority ultimately to pass upon the applicant's qualifications.

(f) Upon request of any member of the board, the executive officer of the board or a duly appointed agent, under supervision of the chairperson or a duly appointed agent, shall verify information contained in the application form. The chairperson or a duly appointed agent may request assistance from the staff of the department of health through its director.
§11-44-6 License renewal. (a) All licensees shall renew their licenses biennially by filing an application furnished by the board and submitting a fee of $60 for the first license and $5 for each additional license. The biennial period shall begin thirty days after the end of the licensee's birth month.

(b) Notices to renew licenses shall be mailed biennially to licensees at the addresses recorded by the board. Failure to receive the notice shall not be a valid reason for not renewing licenses.

(c) Renewal fees received by mail shall be considered as paid when due if the envelope bears the postmark date before the end of the currently licensed biennial period.

(d) Any license which is not renewed shall be declared defunct.

(e) It shall be the responsibility of the licensee to notify the board of any change of name or mailing address within thirty days of the change. [Eff 12/27/91; am and comp 11/9/98; am and comp MAR 29 2010] (Auth: HRS §§466J-2, 466J-5, 466J-8) (Imp: HRS §§466J-2, 466J-5, 466J-8)

§11-44-7 Continuing education requirement for license renewal. (a) After January 1, 1999, licensees with one or more licenses shall meet the following requirement for license renewal:

(1) Attain twenty-four continuing education credits acceptable to the board in the two-year period immediately preceding renewal; or

(2) Meet the continuing education requirements of the American Registry of Radiologic Technologists in the two-year period immediately preceding renewal; or

(3) Be in good standing with the American Registry of Radiologic Technologists.

(b) Licensees shall attest to the requirement specified in subsection (a) on the renewal form provided by the board.

(c) Documentation verifying the requirement in subsection (a) for the preceding two-year period shall be maintained by the licensee, and shall be provided to the board upon request.

(d) The board shall sample a percentage of licensees for
continuing education compliance.

(e) Failure of licensees to provide evidence for attested continuing education credits in a form acceptable to the board shall be grounds for license suspension or revocation.

§11-44-8 Unprofessional conduct. (a) The board may revoke, suspend, or refuse to issue any license as provided for in section 466J-8, HRS.

(b) Unprofessional conduct shall include, but is not limited to:

1. Engaging in the practice of radiography, or radiation therapy technology, or nuclear medicine technology while under the influence of alcohol or controlled substances as defined in chapter 329, HRS;

2. Wilful falsification of records, or destruction or theft of property or records relating to the practice of radiography, radiation therapy technology, or nuclear medicine technology;

3. Unauthorized disclosure of information relating to a patient or a patient's records;

4. Engaging in the practice of radiography, or radiation therapy technology, or nuclear medicine technology without a valid license issued by the board.

§11-44-9 Violation of chapter; penalties. Any person who violates this chapter shall be fined not more than $2,000 for each separate offense. Any action taken to impose or collect the penalty provided for in this section shall be considered a civil action.

§11-44-10 Accreditation requirements for schools or training programs for radiologic technology. (a) A school or training program that meets the minimum requirements set forth by the appropriate accreditation body for schools of radiologic technology shall be considered to meet the board's accreditation requirements.

(b) A school or training program for radiologic technology that is fully accredited by the appropriate accreditation body shall be considered to meet the board's accreditation
§11-44-11 Standards for a new school or training program in radiologic technology. (a) An institution desiring to conduct an education program in radiologic technology in Hawaii shall meet the minimum accreditation requirements specified by the appropriate accreditation body.

(b) A new program in radiologic technology that is fully accredited by the appropriate accreditation body shall be considered to meet the board's accreditation requirements.

§11-44-12 Severability. If any provision of these rules, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable.

The amendment and compilation of chapter 44, title 11, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

MICHAEL J. McASHER, M.D.
Chairperson
Radiologic Technology Board

CHIYOME LEINABU PUKIHO, M.D.
Director of Health

LINDA LINGLE
Governor
State of Hawaii

Dated: [MAR 19 2010]

Filed

APPROVED AS TO FORM:

Deputy Attorney General