

ORIGINAL

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL IMAGING AND RADIATION THERAPY

RE: ADMINISTRATIVE REGULATIONS: 201 KAR 46:010,
201 KAR 46:020, 201 KAR 46:030, 201 KAR 46:040,
201 KAR 46:045, 201 KAR 46:050, 201 KAR 46:060,
201 KAR 46:070, 201 KAR 46:081

TRANSCRIPT OF PUBLIC HEARING

May 27, 2015
9:00 a.m.
42 Fountain Place
Frankfort, Kentucky 40601

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A P P E A R A N C E S

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Board Members Present: Vanessa Breeding
Cynthia Knapp
Carol Sherbak
Sheryl Abercrombie

Audience Participants: Don Pack
James Adams
Kay Burke
Cyndi Gibbs
Dewey Crawford
Ellis W. Blanton
Pam Colburn
Doyle Decker
Brook Elliott
Karen Porter
Meredith Ottman
Mary Kaye Griffin
Patricia Sanders

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1 MR. JUDY: Good morning. My name is Brian
 2 Judy. I am an attorney with the office of the Attorney
 3 General, and I serve as Board counsel. We will be
 4 calling this public meeting to order on this May 27th,
 5 2015 at 9:06 a.m.

6 This meeting is being convened pursuant to
 7 KRS 13A.270 which authorizes an administrative body to
 8 hold a public hearing to receive comments pertaining to
 9 administrative regulations. Today's public hearing is
 10 to receive comments in regards to nine different
 11 regulations. Those regulations are: 201 KAR 46:010,
 12 201 KAR 46:020, 201 KAR 46:030, 201 KAR 46:040, 201 KAR
 13 46:045, 201 KAR 46:050, 201 KAR 46:060, 201 KAR 46:070,
 14 201 KAR 46:081.

15 The public comment period for these
 16 regulations goes through close of business June 1, 2015.
 17 Anyone wishing to submit additional comments in writing
 18 regarding these regulations may do so by that date. The
 19 comments should be addressed to Vanessa Breeding as
 20 noted in a public hearing and comment period with the
 21 regulations.

22 KRS 13A.280 provides that the
 23 administrative body shall file an official agency
 24 response in consideration of the comments received today
 25 at this public hearing, and at the conclusion of the

1 public comment period, which is June 1st. This response
2 will be filed as a Statement of Consideration and be
3 filed no later than June 15th, 2015; however, if
4 necessary, this period may be extended for 30 days. If
5 you would like to receive a copy of the Statement of
6 Consideration, the Board will mail you a copy once it
7 has been filed with the Legislative Research Commission.

8 The Board is not required to change or
9 amend the regulations, but must consider all comments
10 received. So the Board will address your comments in
11 writing and send them to the LRC. The Board will not
12 charge you for a copy of the comments.

13 Just to make things clear, the Board will
14 not be answering any questions or engage in any debate
15 or discussions about the regulations today. This is
16 just your opportunity to give comments for a regulation.

17 With that being said, I am now going to
18 open up the hearing for comments on the first regulation
19 which is 201 KAR 46:010 entitled, Definitions for 201
20 KAR Chapter 46. Are there any individuals who wish to
21 make any comments on that regulation?

22 MR. CRAWFORD: Just the definition of
23 regulations?

24 MR. JUDY: Yes. I only see one hand up.
25 If you want to make a comment, please come up one at a

1 time and sit in the center chair, state your name on the
2 record and speak clearly.

3 MS. GIBBS: This chair right here? Okay.

4 MR. JUDY: Yes.

5 MS. GIBBS: My name is Cyndi Gibbs. I'm
6 from Morehead State University. I am an educator, but
7 I'm here on behalf of the Kentucky Society of Radiologic
8 Technologists. The Board met last Friday and reviewed
9 the regulations, and I'm here to convey their thoughts
10 on particular items and, specifically, we'll start with
11 46.01 under Definitions. Come right up here.

12 I'll start with Section 1 under
13 Definitions. The KSRT Board would like to make an
14 amendment, and we'll give you our rationale for that.
15 We would like to make an amendment that under accredited
16 educational programs, we would like for that to be at --
17 programs as recognized by the American Registry of
18 Radiologic Technology. When we talk about
19 accreditation, we would like to use our national -- what
20 they accept as for all individuals to take the ARRT
21 exam. I have checked with other states as some of my
22 other colleagues on the Board, and we have found that
23 other states in their state regulations, they do say
24 JRCERT accreditation and regional accreditation, as
25 well. So we would like to make an amendment that it

1 just says, As recognized by the American Registry of
2 Radiologic Technologists. /

3 Secondly, under Definitions, Advanced
4 Imaging Professional, we would like to propose an
5 amendment that that not say, Advanced Imaging
6 Professional, that it would say, Advanced Medical
7 Imaging Practitioner. Our rationale for that is that
8 all mid-level practitioners, whether it be a nurse
9 practitioner or a radiologist assistant, they are called
10 practitioners and not professionals.

11 We believed, as a board, that this was
12 somewhat condescending and the fact that we're saying
13 the rest of us are not professionals, that only this
14 group is deemed a professional. So, again, we would
15 like to make a proposal, and the amendment would be
16 Advanced Medical Imaging Practitioner that is in all the
17 literature. If you look up the literature -- research
18 that -- I have several articles if you'd like for me to
19 refer to those articles, and they are called
20 practitioners, and not professionals.

21 Secondly, we have a question about the
22 Advanced Imaging Practitioner Professional. We have a
23 question about the Nuclear Medicine Advanced Associate.
24 The Board researched this particular practitioner, and
25 we found that there was only one program in the nation

1 that has such a program, and the first exam was given in
2 June of 2011, and since that date, only 13 individuals
3 are certified in -- as that type of practitioner. The
4 program is offered by the University of Arkansas for
5 Medical Sciences in collaboration with three states and
6 core institutions.

7 Our question is: Why now are we including
8 such a miniscule group of individuals to have the title
9 of Advanced Professional, as the term is currently used?
10 We do recognize that the RA program is an established
11 program and has been around for over a decade. Our
12 question, again, is: Why are we making this inclusive
13 in our state regulations when it is not an established
14 program? There is only one program in the nation and
15 there are only 13 individuals in the whole United States
16 who have taken that exam. So we need clarity on that.

17 Let's see. Section 1 under 7, we would ask
18 that you amend Computerized Tomography Technologist to
19 the proper term as recognized by the American Registry
20 of Radiologic Technologists. It should be Computed
21 Tomography Technologist, and not Computerized Tomography
22 Technologist.

23 And I believe that that concludes the KSRT
24 Board's recommendations and amendments to section -- to
25 this particular statute. Thank you.

1 MR. JUDY: Thank you.

2 MS. GIBBS: And I do appreciate -- I do
3 want to say because I did serve on the steering
4 committee that developed this board and I do appreciate
5 the hard work. I know it takes a lot of work, and, you
6 know, sometimes we put things in here and it just takes
7 another set of eyes to make us look at it and see things
8 differently. And I do want to recognize and I know that
9 you all work very hard on this and I do appreciate that.
10 On behalf of the KSRT Board, thank you.

11 MR. JUDY: Thank you. Is there anyone else
12 who wants to speak on 201 KAR 46:010?

13 Since no one has indicated they wish to
14 speak, I'm going to close the comment period on that
15 regulation.

16 The next regulation that the Board will be
17 taking comments on is 201 KAR 46:020. Does anyone wish
18 to make a comment on that regulation? It's the
19 regulation involving fees.

20 Please, approach.

21 MS. GIBBS: Again, Cyndi Gibbs on behalf of
22 the KSRT Board. We had discussion on the fees, and we
23 just needed a little clarification. Let me pull that
24 particular section up. Okay. With fees, we were
25 looking at Section 1, and we just had a question and we

1 wanted to make sure that we understood that correctly.
2 If a student -- and I'm just giving an example of this
3 student. If a student applies for a temporary
4 licensure, and they pay \$100, will they again pay \$100
5 when they get their permit license? So is that a \$200
6 fee or is that a \$100 fee? We didn't know by reading
7 that. We just wanted clarification on that. And that
8 concludes our question about that. Thank you.

9 MR. JUDY: Is there anyone else who wants
10 to speak to 201 KAR 46:020? With no one indicating they
11 wish to speak, I will close the comment period on that
12 regulation.

13 The next regulation that the Board will
14 take comment on is 201 KAR 46:030, which is the
15 education for medical imaging technologists, advanced
16 imaging professionals, and radiation therapists. Does
17 anyone wish to come forth and make comments on those?

18 If you would just line up and come up one
19 at a time. Please, don't start speaking until you sit
20 down because it's being recorded, and if you start
21 talking as you walk up, the information may not get
22 recorded into the record.

23 MS. GIBBS: I do want you-all to recognize
24 that the KSRT Board did its due diligence because we are
25 to be representative of the state technologists even

1 though we did not -- we're not able to get to all of the
2 technologists in the state.

3 Under KAR 030, Education for medical
4 imaging technologists, advanced imaging professionals
5 and radiation therapists, under Section 3, again,
6 programs maintain continuous accreditation by the Joint
7 Review Committee on education in radiologic technology,
8 the KSRT Board would like to propose an amendment that
9 the program maintains continuous accreditation by
10 continuous -- let me say that again. Maintain
11 continuous accreditation as recognized by the American
12 Registry of Radiologic Technologists.

13 And then under 030, Section 1 under (4),
14 Subsection 4, we just need clarification. The program
15 permits site inspections by a representative of the
16 Board. Our Board talked about this, and we thought
17 maybe you were talking about when a program goes up for
18 accreditation that you accompany that program or you
19 accompany that site visit team like you have in the
20 past. So our question is: What is the purpose of this?
21 And, again, we thought that purpose was to accompany a
22 site visit team, and it may not be your intent. And so
23 we want to know what the purpose is, and if a program is
24 accredited, and if it truly is an inspection by the
25 Board, what do you -- what does the Board have to gain

1 by doing this, and what would be penalties or
2 ramifications if you found something that you didn't
3 like that the JRC did not recognize as a citation for
4 the program?

5 Again, we just need clarification is that
6 truly that you will accompany a site visit team when the
7 program comes up for accreditation, and that doesn't
8 mean that you will -- I'll give you an example -- pop
9 into Morehead State University and say, "Hey, we're
10 here. We're gonna look at your program."

11 Thank you.

12 MR. JUDY: Is there anyone else who wish to
13 speak on 201 KAR 46:030?

14 MR. BLANTON: My name is Ellis Blanton and
15 I'm an educator in the radiologic technologist program,
16 and I'm here to speak to 201 KAR 46:030, Education for
17 medical imaging technologists, advanced imaging
18 professionals, and radiation therapists. Under the
19 current proposal, it talks about the standards for
20 medical imaging, radiation therapy, and advanced imaging
21 professionals, saying, educational programs shall, under
22 item 3, programs may maintain continuous accreditation
23 by the Joint Review Committee on education and
24 radiologic technology, the Joint Review Committee on
25 educational programs in nuclear medicine technology, or

1 another agency that specifically evaluates the imaging
2 or radiation therapy program based upon equivalent
3 standards.

4 We would like to propose or amend or change
5 this to read, Programs maintain continuous accreditation
6 by the Joint Review Committee on education and
7 radiologic technology, the Joint Review Committee on
8 educational programs in nuclear medicine technology,
9 and/or maintains regional accreditation by an agency
10 such as the Southern Association of Colleges, or another
11 agency that specifically evaluates the imaging or
12 radiation therapy programs based upon standards of
13 curriculum as set by the American Society of Radiologic
14 Technologists.

15 MR. JUDY: Is there anyone else who would
16 like to speak on this regulation?

17 MS. COLBURN: Hi. I'm Pam Colburn. I'm
18 the Baptist Health Regional Director of Radiology for
19 Louisville and LaGrange, and I wanted to speak to the
20 201 KAR 46:030 which was, Education for the medical
21 imaging technologists, advanced imaging professionals,
22 and radiation therapists. And I again -- I want to
23 state what's already been said here this morning about
24 Section 1, Curricular standards for medical imaging
25 radiation therapy and advanced imaging professionals.

1 Educational programs shall, and under line item No. 3,
2 programs maintain continuous accreditation by the Joint
3 Review Committee on education and radiologic technology,
4 the Joint Review Committee on educational programs in
5 nuclear medicine technology, or another agency that
6 specifically evaluates the imaging or radiation therapy
7 program based upon equivalent standards.

8 I'd just like to propose that that be
9 amended to reflect that programs that maintain
10 continuous accreditation as recognized by the ARRT. The
11 ARRT does not specifically state that only JCERT
12 accredited programs -- that their graduates can sit for
13 their boards. They do have -- they do recognize other
14 accrediting agencies in addition to JCERTs. So I
15 believe we should follow the national ARRT guidelines,
16 and that's my only recommendation regarding that
17 particular regulation.

18 MR. JUDY: Thank you. Is there anyone else
19 that would like to come forward and speak on this
20 regulation? With no one indicating so, the Board will
21 close the comment period on 201 KAR 46:030.

22 The next regulation the Board is taking
23 comments on is 201 KAR 46:040. Anyone wishing to make a
24 public comment on this regulation which deals with
25 medical imaging technologist, advanced imaging

1 professional, and radiation therapist license, please
2 step forward and go to the center chair.

3 MR. CRAWFORD: My name is Dewey Crawford.
4 I've been a medical imaging and nuclear medicine
5 technologist for 45 years. My working career, I was the
6 manager of the state radiation control program and
7 assisted in getting the Board founded as it is now,
8 which I'm very glad that it is. Professional board.
9 We're growing, we're young, and we'll do good things in
10 the future as we go along.

11 The comment I'd like to make refers to 201
12 KAR 46:040, and after all the deletions of things, it
13 appears to be Section 1, Applicability, No. 1 and 2,
14 Satisfactorily passed the national examination
15 administered by the American Registry of Radiologic
16 Technologists and/or the Nuclear Medicine Technologist
17 certification examination. 2, Satisfactorily complete a
18 program in radiography, nuclear medicine technology,
19 radiation therapy, or advanced imaging practices that
20 has achieved and maintained programmatic accreditation
21 recognized by the Board as described in 201 KAR 46:030.

22 If we go over to the statute 311B.080, the
23 Board, to recognize and enforce national standards, it
24 says, The Board shall recognize and enforce the current
25 rules and regulations, practices, standards, scopes of

1 practice, and ethical standards for the nationally
2 recognized professional organizations and certifying
3 bodies for technologists and therapists regulated by
4 this chapter. That is the authority of the Board to do
5 that.

6 With this regulation, it appears that the
7 Board is moving somewhat out from under its statute, and
8 I wish for the Board to move back under its statute and
9 accept JCERT as its programmatic accreditation and use
10 that fully, which also provides for a means if a school
11 fails, that it will have a mechanism for the students.
12 And this is all about the students. It's not about the
13 school.. If you want to punish the school, then tell the
14 school not to take anymore students until it achieves
15 its accreditation.

16 There should be guidelines in place where
17 the Board has a hearing with the schools and discusses
18 this and has a communication chain, and that should be
19 in the regulations and guidelines so everyone knows how
20 that works. And there's not any in the regulations for
21 you to be able to do that and work with the boards, and
22 you can refer to the hearing process, but that's not all
23 that's involved.

24 If you go to, which I -- hopefully, you
25 have gone to the JCERT accreditation website, you'll

1 notice that in their policies and procedures, they have
2 a Teach-Out Plan available for those schools. And those
3 -- that should be following this full acceptance of the
4 national standard is to have a Teach-Out Plan for those
5 so that the students don't suffer. The problem is
6 economics for the family and for the student and what
7 they've done. They didn't know the school was going to
8 fail. For whatever reason, it failed. They didn't know
9 that this was going to happen, and now you've got them
10 in an unfair situation. They can't even work in their
11 own state because of this -- the way this is written.
12 So I ask you to have a Teach-Out Plan. Have a fair
13 process developed whereby those students may still
14 continue a program whether it's through an agreement
15 with another school or whatever so that they can pass
16 the boards and get a license in Kentucky. And that's --
17 so that's what I'm asking you to do. Look at your
18 statute. See what the statute says. Follow fully the
19 nationally recognized organization standards as required
20 by 311B.080. I think that's all I have on this one.
21 Thank you.

22 MR. JUDY: Thank you. Is there anyone else
23 that wish to speak on this regulation?

24 MS. GIBBS: Cyndi Gibbs, again, on behalf
25 of the Kentucky Society of Radiologic Technologists. We

1 also have a proposed amendment, and it -- it has to do
2 with application for initial license. We discussed this
3 in depth, and the way we understand this if we look at
4 subsection -- if we look under Section 3(6),
5 Verification of graduation from a program accredited by
6 the Joint Review Committee on Education in Radiologic
7 Technology or the Joint Review Committee on Education
8 Programs in Nuclear Medicine Technology, we found this
9 to be restrictive in the fact if I come from another
10 state, and we looked at this example, if I were a
11 practitioner of 15 years in mammography, and I am reg --
12 certified in CTMR and mammography, and I practice for 15
13 years and I did not come from an accredited program,
14 would you deny me life, liberty, and pursuit of
15 happiness by not allowing me to come to Kentucky, and
16 work, because I did not graduate from the accredited
17 program in the JRCERT?

18 This is prohibitive and restrictive. We'd
19 lose economy in the State of Kentucky, when we do this.
20 We want people to come to Kentucky. We encourage people
21 to come to Kentucky, and work, but if my spouse is
22 transferred to Lexington, and I'm a practitioner of
23 mammography for 15 years and I can't get a job because I
24 did not come from this program, I cannot get a license.

25 You have denied life, liberty, and pursuit

1 of happiness, and I think that that is something that
2 that you need to look at that could be absolutely legal
3 in regards to that.

4 We did discuss this with the Board because
5 everybody should have the opportunity to pursue a career
6 in whatever state they want to if they pass the national
7 examination, The American Registry of Radiologic
8 Technology in any certification.

9 So we propose, the KSRT propose, that that
10 say, Verification of graduation from an accredited
11 program as recognized by the American Registry of
12 Radiologic Technologists. Thank you.

13 MR. JUDY: Thank you. Anyone else?

14 MS. COLBURN: Pamela Colburn, Regional
15 Director of Baptist Health, Louisville and LaGrange, and
16 I wanted to speak to KAR 46:040 regarding Section 2,
17 satisfactory -- it says, The eligibility for a Medical
18 Imaging Technologist, Radiation Therapist or Advanced
19 Imaging Professional, satisfactorily passed the national
20 examination administered by the American Registry of
21 Radiologic Technologists and/or the Nuclear Medicine
22 Technologist Certification Board. And then also under
23 Section 3, line item 6, Verification of graduation from
24 a program accredited by the Joint Review Committee on
25 Education in Radiologic Technology or the Joint Review

1 Committee on Educational Programs in Nuclear Medicine
2 Technology.

3 I don't think that that's right to limit
4 someone who's moving to the state and deny them a
5 license. At Baptist Health Louisville and Baptist
6 Health LaGrange, we employ approximately 180 radiologic
7 technologists in various areas of the department, MRIs,
8 CTs, Nuc. Med. It's difficult to find qualified
9 individuals, and if we limit people coming into the
10 state who've practiced for many years and who held an
11 ARRT license, if we prohibit them from practicing their
12 profession in the state, that's not fair to those
13 individuals, and it does make it more difficult for us
14 to staff medical facilities. You know, it's not easy to
15 find 180 qualified individuals, and I would ask that you
16 amend that to indicate that you allow individuals who
17 have passed the appropriate national certification exam
18 and graduated from a program that's recognized by the
19 ARRT, allow those individuals to obtain a license in the
20 State of Kentucky.

21 MR. JUDY: Thank you. Anyone else who wish
22 to speak on 201 KAR 46:040?

23 MR. BLANTON: Ellis Blanton, and I am here
24 to speak about 201 KAR 46:040, the current proposal
25 under Section 1, Applicability. The administrative

1 regulation shall apply to individuals who perform
2 medical imaging or radiation therapy for diagnostic
3 medical imaging or therapeutic purposes while under the
4 supervision of a licensed practitioner of the healing
5 arts.

6 Item 2 says that, Satisfactorily completed
7 a program in radiography, nuclear medicine technology,
8 radiation therapy, or advanced imaging practice that
9 has achieved and maintained programmatic accreditation
10 recognized by the Board as described in 201 KAR 46:030.

11 We'd like to amend, to change for it to
12 read, Satisfactorily completed a program in radiography,
13 nuclear medicine technology, radiation therapy, or
14 advanced imaging practice that has achieved and
15 maintained programmatic accreditation or regional
16 accreditation recognized by the Board as described in
17 201 KAR 46:030, or a graduate who has completed the
18 American Registry of Radiologic Technologist
19 examination.

20 That would apply to our students, the
21 students across the State of Kentucky, and to those
22 students -- graduates that are coming from non JCERT
23 accredited programs from outside the state.

24 Should these regulations go forth and as
25 approved by the Medical Imaging Radiation Therapy Board

1 then -- on amended -- proposing as an amendment is not
2 acceptable and for some reason does go forward as set,
3 the regulation should go forward as approved by the
4 Medical Imaging Radiation Therapy Board, then there
5 should be an amendment to add to these regulations that
6 would adhere to the Joint Commission -- Joint Review
7 Committee on educational programs in radiologic
8 technology or Joint Review Committee on educational
9 programs on nuclear medicine technology, policy that
10 allows for closure, withdrawal of the program, or
11 institutional accreditation is withdrawn.

12 This is a policy that is stated by JCERT,
13 and JCERT says that on -- in their policy on education
14 of radiologic technology requires a college to teach a
15 -- submit a Teach-Out Plan to the JCERT on the
16 occurrence of any of the following events: 1) Is
17 contemplating closure; 2) Receives notification from the
18 state licensing or other authorized agency that the
19 institution's license or legal authorization provide an
20 educational program has been or will be revoked; 3)
21 Receives notification from the Secretary of Education
22 that the Secretary has initiated an emergency action
23 against the program; 4) Receives notification from the
24 Secretary of Education that an action has been initiated
25 against the program to limit, suspend, or terminate

1 participation in Title IV; or, 5) Institutional
2 accreditation is withdrawn.

3 This would allow a program to -- that is in
4 this situation to enter into a Teach-Out agreement with
5 another sponsor to submit the Teach-Out agreement to the
6 JCERT as soon as reasonably possible or allow a program
7 that has this problem to be able to have a Teach-Out
8 program so their students can be recognized and be able
9 to obtain licensing if they have passed the examinations
10 provided by the ARRT who recognizes, as we've already
11 heard, recognizes JCERT accredited programs, as well as
12 regionally accredited programs.

13 MR. JUDY: Thank you. Is there anyone else
14 who wish to speak on this regulation?

15 MS. GIBBS: Cyndi Gibbs, Associate
16 Professor of Imaging Sciences, Morehead State
17 University, Program Coordinator for the CTMR program.
18 This is a comment. I am a JRCERT site visitor and have
19 been so for over ten years. I do respect programmatic
20 accreditation. I do know the rigor that goes behind
21 program accreditation as a site visitor. We are one of
22 the very few programs in the nation that are accredited
23 in MR. Does that mean that our program is better than
24 others? I would like to think so, but I will not say
25 that it is. I do believe that there are other programs

1 in MR that offer the education that we do which have
2 students that can pass the examination in MR without
3 coming from an accredited program.

4 So I do want this Board to know that as a
5 site visitor, I do recognize the rigor that goes behind
6 programmatic accreditation, but I do ask that we not be
7 restricted, that we do not allow people -- and I go back
8 to the same regulation, but I'm wearing a different hat
9 to be prohibitive that we don't allow people from
10 outside the State of Kentucky, to practice in our
11 beloved State of Kentucky. Thank you.

12 MR. JUDY: Anyone else? Nobody showing
13 that they have any additional comments on that
14 regulation, I will close 201 KAR 46:040 at this time.

15 The next regulation we want to move to is
16 201 KAR 46:045, entitled, Temporary license application
17 for medical imaging technologists, advanced imagining
18 professionals, and radiation therapists. Is there
19 anyone who would like to comment on that regulation?

20 HEARING ATTENDEE: Did you say 040?

21 MR. JUDY: 045.

22 HEARING ATTENDEE: Oh, I see.

23 MR. JUDY: No one indicating such --

24 MS. COLBURN: Pam Colburn, Director of
25 Radiology, Regional Director, Kentuckiana Region,

1 Baptist Health. On this regulation, KAR 46:045,
2 Temporary license application for medical imaging
3 technologists, advanced imaging professionals, and
4 radiation therapists, under application for temporary
5 license, Section 1, No. 5, it specifically states,
6 Verification of successful completion of appropriate
7 educational program. So if -- we didn't go into any
8 long, drawn out process here talking about continuous
9 JCERT accreditation of a program required for temporary
10 license. So I'm just -- would like to ask that the
11 temporary license requirements for a RadTech should be
12 identical to the license requirements for a regular --
13 for a regular license for a RadTech. I don't know why
14 there would be a distinction between the requirements
15 for temporary versus a permanent license.

16 MR. JUDY: Thank you. Anyone else wish to
17 comment on that regulation? No one indicating so, I
18 will close the comment period for 201 KAR 46:045.

19 The next regulation that we will open for
20 comment is 201 KAR 46:050 which is the provisional
21 training license for medical imaging technologists and
22 radiation therapists. Is there anyone wishing to make a
23 comment on this regulation?

24 MS. GIBBS: Cyndi Gibbs. The president of
25 the Kentucky Society of Radiologic Technologists and on

1 behalf of the Board of the KSRT, we just need
2 clarification on Section 1, Eligibility for professional
3 CT training license. Is the intent of this regulation
4 allowing a person the opportunity to have 24 months to
5 obtain their clinical experiences as outlined by the
6 American Registry of Radiologic Technology which makes
7 them eligible to sit for the ARRT CT exam? Is that the
8 intent of this Board that they want that individual to
9 take the ARRT CT exam by obtaining their clinical
10 experiences in 24 months? Thank you.

11 MR. JUDY: Anyone else wishing to comment
12 on that regulation? Seeing no one else indicating an
13 interest to comment, I will close the comment period for
14 201 KAR 46:050.

15 Next, the Board is going to open comments
16 on 201 KAR 46:060, the continuing education
17 requirements. Anyone wishing to make comments on that
18 regulation?

19 MS. COLBURN: Pamela Colburn, Director of
20 Radiology, Baptist Health, Kentuckiana region. On KAR
21 46:060, continuing education requirements, under Section
22 4, Responsibilities in reporting requirements of
23 licensee, a licensee shall be responsible for obtaining
24 required continuing education units and submits
25 documents only if requested by the Board.

1 This is quite a bit different than what
2 radiographers have done in the past. The ARRT
3 recognizes activities completed for licensing purposes,
4 and the following approved states may count for CE
5 credit for the individuals licensed to practice in those
6 states, and those are: Florida, Iowa, Illinois,
7 Kentucky, Massachusetts, New Mexico, Oregon, or Texas.

8 So in the past, we submitted our
9 documentation to the state, and they either denied or
10 approved those -- the documents and we were able to
11 print out a record, and the ARRT accepted that printout
12 from the state, and this is no longer available. So if
13 we only have to submit documents as if requested by the
14 Board, then how do we know that Kentucky will approve a
15 particular CE credit? And I'm referring to -- there are
16 some things the technologists do at work that's part of
17 their job requirements, such as radiation safety
18 training, MRI safety training, various things like that
19 that those programs are done periodically throughout the
20 year. They're not done one time. They're not given
21 approval one time for the credits, and so the staff
22 submit the documentation and then the state would
23 approve those.

24 So the way that this is worded, that
25 doesn't sound like that that's a mechanism that would

1 continue. So I just feel like this is a little -- it's
2 quite a bit different than in times past and I'm
3 assuming that that will no longer take place.

4 So I would just like for the Board to
5 review these continuing education requirements, and also
6 a -- and I know I'm -- this is not the place to ask
7 questions, but in the past, the Board had a -- the
8 Radiation Control Board had a website where we could go
9 and review our continuing education credits. I could go
10 in and access the credits and make sure that my staff
11 had the appropriate credits and the appropriate license,
12 and I'd just like to know if that's going to be
13 available in the future. Right now, we're not able to
14 go on there and confirm that.

15 At our facility, if a technologist does not
16 maintain current licensure, both state and ARRT, if it
17 lapses, we suspend them without pay, and they have five
18 business days to provide me with their current license.
19 So this is -- we encounter problems frequently with
20 people not understanding the continuing education
21 requirements or not getting their license in a timely
22 manner for whatever reason. So I just -- this is a big
23 change in practice for us in the working world, and I
24 just want to point that out.

25 MR. JUDY: Thank you. Is there anyone else

1 wishing to comment on 201 KAR 46:060? At this time, we
2 will close the comment period for that regulation.

3 The next regulation the Board is accepting
4 comments on is 201 KAR 46:070 which is entitled,
5 Violations and enforcement. Is there anyone wishing to
6 make a comment on this regulation?

7 No one indicating so, we will close the
8 comment period for that regulation and move to 201 KAR
9 46:081 which is entitled, Limited x-ray machine
10 operator. Is there anyone wishing to comment on that
11 regulation?

12 MS. COLBURN: Pamela Colburn, Radiology
13 Director, Baptist Health, Kentuckiana region. In
14 regards to KAR 46.081, limited x-ray machine operator,
15 Section 2, Limited Licensee Employment. An individual
16 who holds a limited license shall not be employed as an
17 operator of a source of radiation at a facility where
18 contrast studies, fluoroscopy, mammography, computed
19 tomography, magnetic resonance imaging, bedside
20 radiography, nuclear medicine, positron emission
21 tomography, or radiation therapy procedures are
22 performed.

23 I think we need a little clarification here
24 in that they cannot perform bedside radiography. I just
25 would like to make sure that this is not going to

1 eliminate limited radiographers from providing mobile
2 bedside radiography to patients in home settings or
3 SNFs, skilled nursing facilities. If this regulation
4 eliminates that service from their scope, and only
5 registered radiation operators can perform those exams,
6 that's going to be a huge hardship on the companies that
7 provide these services, and I'm afraid that if they
8 aren't available then the nursing homes will simply put
9 the patients in an ambulance and ship them over to us at
10 the hospital, and we have more than we can handle right
11 now.

12 So, yeah, it does say, At a facility where
13 contrast studies. So I just want to make sure that that
14 particular verbiage there will not eliminate those
15 limited radiographers from providing the mobile services
16 at nursing homes and in a residential setting.

17 MR. JUDY: Thank you. Anyone else wishing
18 to speak on 201 KAR 46:081?

19 MR. CRAWFORD: Dewey Crawford. I wanted to
20 address the same statute, 46:081, Section 2(1) and (2)
21 again. I wanted to be sure that -- in one part of our
22 regulations or statutes, it says we will follow the ASRT
23 guidelines for training, and I know that somewhere in
24 the ASRT guidelines there's training requirements for
25 limited radiography. I wanted to make sure that we're

1 addressing that and that this Section 1, Applicability,
2 applies to that as well and that they're -- that we're
3 in that same line as we are accepting all national
4 standards in accordance to 311B, as we said.

5 Also, in Section 2, Limited licensee
6 employment, if we go over to the definition of limited
7 x-ray machine operator in 311B.020, that definition
8 would be inconsistent with what you're saying in 2. It
9 says, Limited x-ray machine operators means an
10 individual who performs limited radiography. Procedures
11 in facilities where contrast studies, fluoroscopy,
12 nuclear medicine, or radiation therapy procedures are
13 not performed. And that's pretty clear, that's in your
14 statute. And then this one further delineates it and it
15 also says, Magnetic resonance imaging, positron
16 emission tomography, and then, of course, it adds
17 bedside radiography and mammography.

18 Now, mammography is a particularly
19 different skill. I don't know how that's worked, but I
20 do know that there is contrast in magnetic resonance and
21 also considering contrast as a radionuclide in positron
22 emission tomography. So those two are in one sense
23 redundant for that particular word.

24 Also, the thing to consider in looking at
25 this is: Have you received any complaints -- has the

1 Board received any complaints from any medical
2 facilities for nursing homes that says that these folks
3 that operate bedside radiography in nursing homes is
4 inappropriate, that imaging was not good, is the skill
5 not good? We want to do the least amount of damage when
6 we regulate folks.

7 I'd suggest you further strengthen the
8 program for practice in what these limited radiographers
9 do. I doubt that there's any radiographers at this
10 table that has used the same instrument for bedside
11 radiography that these folks that do the ones in the
12 nursing home has used. Have you pulled it out of a
13 trunk, set it up in a case and taken it in? It's a very
14 mobile unit.

15 So it also impacts their livelihood. It's
16 further restricting. It decreases the stability for the
17 -- for the people running the mobile companies. It is a
18 perfect job for the limited radiographer, but not so for
19 a multi-skilled medical imaging technologist. And
20 you'll find that there's fluctuations in that.

21 Also, for other things that we have looked
22 at, with all this, I hope that what you have done is
23 gone out and researched and asked hospital radiology
24 administrators what problems they're having between the
25 registered technologists, graduates from JCERT, and

1 non-graduates. The ones that I have talked with
2 indicate there is no difference in their skill levels,
3 and, therefore, I hope you will take that into
4 consideration. Thank you very much.

5 MR. JUDY: Thank you. Is there anyone else
6 wishing to speak on 201 KAR 46:081? With no one
7 indicating so, the Board will close the comment period
8 for that regulation.

9 It is now 9:53 a.m. There have been no
10 other individuals who have indicated an interest in
11 making a comment on any of the nine regulations today.
12 So at this time, I am going to close the public hearing
13 for comments for today, and, of course, written comments
14 can still be submitted until June 1, 2015 on any of the
15 regulations. This hearing stands adjourned. Thank you
16 very much.

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18 (Hearing Adjourned at 9:53 a.m.)

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CERTIFICATE

STATE OF KENTUCKY

COUNTY OF FAYETTE

I, TONYA FIELDS, a Notary Public in and for the state and county aforesaid, do hereby certify that the foregoing thirty-three (33) pages are a true, correct and complete transcript of the proceedings taken down by me and in the above-styled matter taken at the time and place set out in the caption hereof; that said proceedings were taken down by me and were thereafter reduced to computer-aided transcription by me and under my supervision; and that appearances were set out in the caption hereof.

Given under my hand as notary public aforesaid, this 3rd day of June, 2015.

Tonya Fields 532520

My Commission Expires: 4/20/19 Notary Public
STATE OF KENTUCKY AT LARGE

