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## **TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

### **Proposed Rule** LSA Document #05-190

#### **DIGEST**

Adds 410 IAC 5.2 to regulate who may operate a radiation machine and what level of training and experience the operator must have. Repeals 410 IAC 5-11. Effective 30 days after filing with the Secretary of State.

#### **IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

##### **Description of Rule:**

The Indiana State Department of Health (ISDH) has responsibility for the licensing and regulation of individuals practicing medical radiologic technology. In 1983, the ISDH adopted radiology licensing rules requiring radiologic technologists and individuals providing limited radiologic services to be licensed. The rules became effective in 1984. With the exception of a few minor amendments, the rules have not been updated since 1984.

Since 1984, radiology has experienced extensive growth and change. Procedures such as computed tomography and interventional radiography were relatively new modalities in 1984 but are now widespread. Technologies such as digital imaging and positron emission tomography had not been developed but now are an important technology. Nuclear medicine and radiation therapy were still in their formative years in 1984 but have expanded significantly in recent years. The result is that the existing rules are outdated, ineffective, or procedurally inefficient.

The proposed rule continues the licensing of radiologic technologists and individuals performing limited radiographic procedures. The primary addition in the rule is to add licensing for nuclear medicine technologists and radiation therapists. Licensing of nuclear medicine technologists and radiation therapists are the two primary changes fiscally impacting the ISDH.

##### **Economic Impact on Small Businesses**

##### **1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.**

IC 4-22-2.1-4 defines a small business as any person, firm, corporation, limited liability company, partnership, or association that:

- (1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana;
- (2) is independently owned and operated;
- (3) employs one hundred (100) or fewer full-time employees; and
- (4) has gross annual receipts of five million dollars (\$5,000,000) or less.

Statute requires that any medical radiation provider be licensed by the ISDH. The proposed rule establishes licensing standards for individuals to include radiologic technologists, radiation therapists, nuclear medicine technologists, and limited radiology operators. These individuals are employed by hospitals, clinics, or physician offices to perform radiologic services. The North American Industry Classification System classifies these institutions as General Medical and Surgical Hospitals (NAICS 622110), Diagnostic Imaging Centers (NAICS 621512), and Offices of Physicians (NAICS 621111).

The proposed radiology licensing rule applies to individuals rather than businesses. The licensing fees are the responsibility of the individual being licensed. The individuals licensed under this proposed rule do not meet the requirements of a small business as defined by IC 4-22-2.1-4.

##### **Conclusion**

Because the regulated entities under this rule are individuals and do not meet the definition of a small business, there is no economic impact of the proposed rule on small businesses.

#### **410 IAC 5-11**

#### **410 IAC 5.2**

SECTION 1. 410 IAC 5.2 IS ADDED TO READ AS FOLLOWS:

#### **ARTICLE 5.2. RADIOGRAPHY, NUCLEAR MEDICINE, AND RADIATION THERAPY LICENSING**

## **Rule 1. Definitions**

### **410 IAC 5.2-1-1 Applicability**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 1. The definitions in this rule apply throughout this article.** *(Indiana State Department of Health; 410 IAC 5.2-1-1)*

### **410 IAC 5.2-1-2 “Abuse” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 2. “Abuse” means any:**

**(1) physical or mental injury; or**

**(2) sexual assault;**

**inflicted on a patient other than by accidental means.** *(Indiana State Department of Health; 410 IAC 5.2-1-2)*

### **410 IAC 5.2-1-3 “Chiropractor” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 25-10-1; IC 16-41-35

**Sec. 3. “Chiropractor” means a person licensed under IC 25-10-1.** *(Indiana State Department of Health; 410 IAC 5.2-1-3)*

### **410 IAC 5.2-1-4 “Contrast media” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 4. “Contrast media” means material intentionally administered to the human body to enhance radiographic visualization of anatomy.** *(Indiana State Department of Health; 410 IAC 5.2-1-4)*

### **410 IAC 5.2-1-5 “Dental hygienist” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 25-13-1; IC 16-41-35

**Sec. 5. “Dental hygienist” means a person licensed under IC 25-13-1.** *(Indiana State Department of Health; 410 IAC 5.2-1-5)*

### **410 IAC 5.2-1-6 “Dentist” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 25-14-1; IC 16-41-35

**Sec. 6. “Dentist” means a person licensed under IC 25-14-1.** *(Indiana State Department of Health; 410 IAC 5.2-1-6)*

### **410 IAC 5.2-1-7 “Department” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 7. “Department” means the Indiana state department of health.** *(Indiana State Department of Health; 410 IAC 5.2-1-7)*

### **410 IAC 5.2-1-8 “Direct supervision” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 8. “Direct supervision” means the supervisor must be present in the radiographic area while the person being supervised is:**

**(1) operating a radiation machine; or**

(2) using radioactive materials;  
on human beings. *(Indiana State Department of Health; 410 IAC 5.2-1-8)*

**410 IAC 5.2-1-9 “Misappropriation of property” defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 16-41-35

**Sec. 9. “Misappropriation of property” means the deliberate:**

- (1) misplacement;
- (2) exploitation; or
- (3) wrongful temporary or permanent use;

of a patient’s belongings or money without the patient’s consent. *(Indiana State Department of Health; 410 IAC 5.2-1-9)*

**410 IAC 5.2-1-10 “Neglect” defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 16-41-35

**Sec. 10. “Neglect” means any of the following:**

- (1) An act or omission that places a patient in a situation that may endanger the patient’s life or health.
- (2) Abandoning or inappropriately confining the patient.
- (3) Depriving the patient of necessary support or medical care.

*(Indiana State Department of Health; 410 IAC 5.2-1-10)*

**410 IAC 5.2-1-11 “Nuclear medicine technologist” defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 16-41-35

**Sec. 11. “Nuclear medicine technologist” means a person, other than a practitioner, who uses radiopharmaceutical agents to perform medical diagnostic or therapeutic procedures on humans.** *(Indiana State Department of Health; 410 IAC 5.2-1-11)*

**410 IAC 5.2-1-12 “Physician” defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 25-22.5-5; IC 16-41-35

**Sec. 12. “Physician” means a person licensed under IC 25-22.5-5.** *(Indiana State Department of Health; 410 IAC 5.2-1-12)*

**410 IAC 5.2-1-13 “Podiatrist” defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 25-29; IC 16-41-35

**Sec. 13. “Podiatrist” means a person licensed under IC 25-29.** *(Indiana State Department of Health; 410 IAC 5.2-1-13)*

**410 IAC 5.2-1-14 “Practitioner” defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 16-41-35

**Sec. 14. “Practitioner” means any of the following:**

- (1) A physician.
- (2) A dentist.
- (3) A chiropractor.
- (4) A podiatrist.

*(Indiana State Department of Health; 410 IAC 5.2-1-14)*

**410 IAC 5.2-1-15 “Radiation machine” defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected: IC 16-41-35**

**Sec. 15. “Radiation machine” means any equipment or device that produces ionizing radiation when the associated control devices are operated.** *(Indiana State Department of Health; 410 IAC 5.2-1-15)*

**410 IAC 5.2-1-16 “Radiation machine operator” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 16. “Radiation machine operator” means a person, under the direction of a practitioner, who actuates the radiation machine resulting in the production of ionizing radiation.** *(Indiana State Department of Health; 410 IAC 5.2-1-16)*

**410 IAC 5.2-1-17 “Radiation therapist” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 17. “Radiation therapist” means a person, other than a licensed practitioner, who applies radiation to humans for therapeutic purposes.** *(Indiana State Department of Health; 410 IAC 5.2-1-17)*

**410 IAC 5.2-1-18 “Radiographer” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 18. “Radiographer” means a radiologic technologist.** *(Indiana State Department of Health; 410 IAC 5.2-1-18)*

**410 IAC 5.2-1-19 “Radiologic technologist” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 19. “Radiologic technologist” means a person, other than a licensed practitioner, who:**

**(1) applies radiation to humans for diagnostic purposes; and**

**(2) is certified by the American Registry of Radiologic Technologists.**

*(Indiana State Department of Health; 410 IAC 5.2-1-19)*

**410 IAC 5.2-1-20 “Radiology” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 20. “Radiology” means the study of radiation to include the following:**

**(1) Radiologic technology.**

**(2) Radiation therapy.**

**(3) Nuclear medicine.**

*(Indiana State Department of Health; 410 IAC 5.2-1-20)*

**410 IAC 5.2-1-21 “Verbal abuse” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 21. “Verbal abuse” means a disparaging or derogatory oral or written comment or gesture made to a patient.** *(Indiana State Department of Health; 410 IAC 5.2-1-21)*

## **Rule 2. Exemptions**

**410 IAC 5.2-2-1 Exemptions**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected: IC 16-41-35**

**Sec. 1. (a) The following individuals are exempt from the requirements of this article:**

- (1) Physicians.**
- (2) Dentists.**
- (3) Chiropractors.**
- (4) Podiatrists.**
- (5) Dental hygienists.**
- (6) Operators of radiation machines on other than living human beings.**
- (7) Users of radioactive materials for purposes other than the administration of the radioactive materials to patients for medical purposes.**
- (8) Individuals:**
  - (A) performing bone mineral density analysis on:**
    - (i) feet;**
    - (ii) hands; or**
    - (iii) forearms; and**
  - (B) who have been trained in radiation safety and on the proper operation of the analytical equipment either by:**
    - (i) the manufacturer of the analytical equipment; or**
    - (ii) a radiologic technologist licensed under this article.**

**(b) The department may grant exemptions from the requirements of this article:**

- (1) as determined to be necessary; and**
- (2) that will not result in an undue hazard to public health and safety.**

*(Indiana State Department of Health; 410 IAC 5.2-2-1)*

### **Rule 3. Licensing and Permit Requirements**

#### **410 IAC 5.2-3-1 Licensing and permit requirements**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 1. (a) A person who does not have a current license or permit issued by the department shall not:**

- (1) operate a radiation machine; or**
- (2) use radiopharmaceutical agents.**

**(b) Operation of a radiation machine consists of operating the associated control devices such that ionizing radiation is produced.**

**(c) The following are the radiation machine operator and radioactive materials user licenses and permits issued by the department:**

- (1) Radiologic technologist license.**
- (2) Radiation therapist license.**
- (3) Nuclear medicine technologist license.**
- (4) Student radiology permit.**
- (5) Provisional radiography permit.**
- (6) Limited dental radiography license.**
- (7) Limited chest radiography license.**
- (8) Limited chiropractic radiography license.**
- (9) Limited general radiography license.**
- (10) Limited podiatric radiography license.**

**(d) The department may utilize nationally accepted testing services and review committees to assist in the administration of this article.** *(Indiana State Department of Health; 410 IAC 5.2-3-1)*

#### **410 IAC 5.2-3-2 Student radiology permit requirements**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 2. (a) Students enrolled in any of the following are eligible for a student radiology permit:**

- (1) A radiologic technology program approved under this article.**
- (2) A radiation therapy program approved under this article.**
- (3) A nuclear medicine technology program approved under this article.**

**(b) A student radiology permit expires:**

- (1) upon the student's withdrawal or termination from the program; or**
- (2) six (6) months after the student's graduation from a:**

- (A) radiologic technology;**
- (B) radiation therapy; or**
- (C) nuclear medicine;**

**program.**

**(c) First year students in a program listed in subsection (a) must be under direct supervision by:**

- (1) an appropriate practitioner;**
- (2) a licensed radiologic technologist;**
- (3) a licensed radiation therapist;**
- (4) a licensed nuclear medicine technologist; or**
- (5) another licensed individual approved by the department;**

**in order to assist and evaluate the student's performance and ensure the quality of the procedure. (*Indiana State Department of Health; 410 IAC 5.2-3-2*)**

#### **410 IAC 5.2-3-3 Provisional permit requirements**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 3. (a) A person enrolled in a limited radiology program approved by the department is eligible for a provisional radiography permit.**

**(b) A provisional permit expires six (6) months after its effective date.**

**(c) A provisional permit may not be renewed.**

**(d) Provisional permits are issued in the same limited category as the person would be licensed upon completion of requirements for that limited license.**

**(e) An individual issued a provisional permit may perform any procedure allowed under the scope of practice for a person licensed or certified in that area.**

**(f) If an individual has not completed the requirements for a license upon expiration of the provisional permit, the individual must cease performing radiology procedures. Once the individual meets the requirements for a limited license under this article, the individual may apply for the license but may not perform radiographic procedures until he or she is issued a license by the department.**

**(g) The department places no limit on the number of times that an individual may attempt a qualifying examination before, during, or after the provisional period. (*Indiana State Department of Health; 410 IAC 5.2-3-3*)**

#### **410 IAC 5.2-3-4 Evidence of license or permit**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 4. Evidence of a person's current license or permit issued under this article must be available for public inspection**

within the radiology department where the person is operating a radiation machine or using radiopharmaceutical agents.  
A copy of:

- (1) the person's current license, permit, or pocket card issued by the department; or
  - (2) a printout of the license or permit status from the department's on-line licensing system;
- complies with this rule. *(Indiana State Department of Health; 410 IAC 5.2-3-4)*

#### **410 IAC 5.2-3-5 Right of entry**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 16-41-35

Sec. 5. The department and its agents may enter at all reasonable times any private or public property, upon presentation of appropriate credentials, to do either of the following:

- (1) Inspect either of the following:

- (A) A radiation machine.

- (B) Records pertaining to a license or permit issued by the department.

- (2) Ensure compliance with this article.

*(Indiana State Department of Health; 410 IAC 5.2-3-5)*

### **Rule 4. Licensing and Permitting Procedures**

#### **410 IAC 5.2-4-1 Application and approval**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 16-41-35

Sec. 1. (a) To obtain a license or permit, the applicant shall do the following:

- (1) Submit the following:

- (A) An application for a license or permit on a form and in a manner approved by the department.

- (B) Documents required by the application for a license or permit.

- (2) Furnish evidence satisfactory to the department that the qualifying requirements have been met as required by IC 16-41-35-29 and this article.

- (3) Submit the appropriate fee.

(b) Upon receipt of a completed application for a license or permit, the department will review the application and accompanying documentation to determine that the applicant has met the requirements of this article.

(c) Upon determination by the department that the applicant has failed to comply with this article, the department may do any of the following:

- (1) Request additional information concerning the application.

- (2) Conduct a further investigation to determine whether a license or permit should be issued.

- (3) Deny the application.

(d) Upon determination by the department that the applicant has complied with the licensing requirements under this article, the department will do the following:

- (1) Approve the application.

- (2) Issue the appropriate license or permit.

*(Indiana State Department of Health; 410 IAC 5.2-4-1)*

#### **410 IAC 5.2-4-2 Expiration and renewal of license**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 16-41-35

Sec. 2. (a) Radiology licenses expire on the last day of the month two (2) years after issue.

(b) If a person becomes licensed in multiple areas, the expiration date of the second and subsequent license will be the same as the original license.

(c) At least thirty (30) days before the expiration of a person's license or permit, the applicant shall do the following:

(1) Submit the following:

(A) An application for renewal of a radiography license or permit on a form and in a manner approved by the department.

(B) Documents required by the application for renewal.

(2) Furnish evidence satisfactory to the department that the qualifying requirements have been met as required by IC 16-41-35-29 and this article.

(3) Submit the appropriate fee.

(d) An individual with an expired license or permit shall not do any of the following:

(1) Take radiographs.

(2) Perform either of the following:

(A) Radiation therapy.

(B) Nuclear medicine studies.

(e) An application shall be deemed abandoned if, after six (6) months from the date of filing, the requirements for a license or permit have not been completed and submitted to the department. (*Indiana State Department of Health; 410 IAC 5.2-4-2*)

#### **410 IAC 5.2-4-3 Denial and disciplinary actions**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 4-21.5-3-6; IC 16-18-2-199; IC 16-41-35; IC 16-42-19-3

Sec. 3. (a) As follows, a radiology license or permit may be denied or disciplinary action may be taken by the department if the department determines that the person:

(1) Engaged in:

(A) dishonorable;

(B) unethical; or

(C) unprofessional;

conduct of a character likely to deceive, defraud, or harm the public.

(2) Engaged in or knowingly cooperated in:

(A) fraud;

(B) forgery; or

(C) material deception;

in order to obtain a radiology license or permit.

(3) Knowingly allowed one's name or radiology license or permit issued under this article to be used by another individual to provide radiology services.

(4) Has been convicted for a crime that has a direct bearing on the person's ability to perform their responsibilities competently and in compliance with this article.

(5) Diverted:

(A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3);

to oneself or another individual.

(6) Develops such physical or mental disability or other condition that continued practice or performance of his or her duties may be dangerous to patients or the public.

(7) Operated a radiation machine or used radioactive materials while under the influence of alcohol or drugs such that it endangers the public by impairing the person's ability to work safely and competently.

(8) Abused, verbally abused, or neglected a patient or misappropriated property of a patient.

(9) Exercised influence on a patient in such a manner as to exploit the patient for financial gain of the licensee or a third party, which shall include, but not be limited to, the promoting or selling of goods or services.

(10) Engaged in lewd or immoral conduct in connection with the delivery of services to a patient.

(11) Engaged in inappropriate contact with a patient or sexually harassed a patient.

(12) Failed to comply with any of the following:

(A) This article.

(B) Any rule of the department.

(C) Federal regulation.



- (13) Willfully or repeatedly violated an order issued in a disciplinary proceeding.
- (14) Is incompetent.
- (15) Inaccurately:
  - (A) recorded;
  - (B) falsified; or
  - (C) altered;patient records.
- (16) Provided false or incorrect information to an employer regarding the status of his or her license.
- (17) Abandoned a patient.
- (18) Knowingly operated a radiation machine that did not meet all applicable requirements set forth in 410 IAC 5.
- (19) Knowingly administered radioactive materials in a manner that did not meet all applicable requirements set forth in 410 IAC 5.

(b) On a determination by the department that a breach of this article has occurred, the department may issue an order under IC 4-21.5-3-6 for one (1) or more of the following disciplinary actions:

- (1) Issue an order for immediate correction of the breach.
- (2) Issue an order to require training or education.
- (3) Issue a written reprimand.
- (4) Place the person on probation.
- (5) Suspend the person's license or permit for up to one (1) year.
- (6) Revoke the person's license or permit.

(c) In determining appropriate disciplinary actions, the department shall consider the following:

- (1) Whether the breach occurred in part for reasons outside of the person's control.
- (2) Whether the person has taken the appropriate steps to reasonably ensure that the breach will not recur.
- (3) The person's history of breaches of this article.
- (4) The effect of the breach on the patient.
- (5) The extent that breach was willful, intentional, or repeated.

(d) Upon a revocation of a license or permit, the person shall relinquish his or her license or permit to the department, and the license or permit is deemed to be expired. (*Indiana State Department of Health; 410 IAC 5.2-4-3*)

#### **410 IAC 5.2-4-4 Request for removal of revocation of license or permit**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 16-41-35

Sec. 4. (a) A person who fails to comply with a revocation or suspension is not eligible for a license.

(b) When a person's radiology license or permit has been revoked, the department may, not sooner than two (2) years after the date of revocation, entertain an application for removal of the revocation and issuance of a license or permit. The department shall not remove the revocation or issue a license or permit to a person unless the department has determined that the person is able to practice as a:

- (1) radiologic technologist;
- (2) radiation therapist;
- (3) nuclear medicine technologist; or
- (4) limited radiation machine operator;

in a manner that will not endanger patients or the public. (*Indiana State Department of Health; 410 IAC 5.2-4-4*)

#### **410 IAC 5.2-4-5 Appeal procedures**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 4-21.5; IC 16-41-35

Sec. 5. (a) A person aggrieved by an order issued under this article may request a review under IC 4-21.5. If a request for a hearing is not filed within the fifteen (15) day period, the determination contained in the order is final.

(b) Hearings under this article shall be conducted in accordance with IC 4-21.5.

(c) Hearings under this article shall be conducted by an administrative law judge who is as follows:

- (1) Admitted to the practice of law in Indiana.
- (2) Not a member of the executive board or an employee of the state.

(d) The person shall have the right to the following:

- (1) Be present in person.
- (2) Be represented by counsel.
- (3) Present evidence.
- (4) Be heard in opposition to the order issued by the department.

*(Indiana State Department of Health; 410 IAC 5.2-4-5)*

#### **410 IAC 5.2-4-6 Name or address change and issuance of duplicate license or permit**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 6. (a)** A person issued a license or permit under this article shall notify the department of a change of name or address within thirty (30) calendar days of the change. Name changes must be received by the department along with a copy of one (1) of the following:

- (1) A marriage certificate.
- (2) A court decree evidencing the change.
- (3) A Social Security card reflecting the new name.

(b) If a person desires a replacement license or permit reflecting the name change, the replacement license may be issued on:

- (1) request to the department; and
- (2) payment of a replacement fee.

(c) Replacements for lost, damaged, or stolen licenses or permits may be issued on:

- (1) request to the department; and
- (2) payment of a replacement fee.

(d) The failure of a person to receive notification of license renewal because the person did not notify the department of a change of name or address shall not:

- (1) constitute an error on the part of the department; or
- (2) exonerate or otherwise excuse the individual from renewing the license.

*(Indiana State Department of Health; 410 IAC 5.2-4-6)*

#### **410 IAC 5.2-4-7 Retired status**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 7.** A person who was formerly issued a license under this article and is retired from active practice in the licensed area may apply for renewal of his or her license under a retired status. A person with a retired status shall not operate a radiation machine or perform procedures requiring the administration of radioactive materials. A person in retired status who wishes to be removed from retired status must do the following:

- (1) Comply with all requirements in this article.
- (2) Be issued a license under this article.

*(Indiana State Department of Health; 410 IAC 5.2-4-7)*

#### **410 IAC 5.2-4-8 Fees**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 8. (a) The fee for a license issued under this article is sixty dollars (\$60).**

**(b) The renewal fee for licenses issued under this article is sixty dollars (\$60).**

**(c) There is no fee for either of the following:**

- (1) A student radiology permit.**
- (2) A provisional radiology permit.**

**(d) A twenty dollar (\$20) fee will be charged for the following:**

- (1) A retired status license.**
- (2) A duplicate license or permit.**
- (3) A license or permit for a name change.**

**(e) A late fee of sixty dollars (\$60) shall be imposed if the renewal application is received after the expiration of the previous license.**

**(f) Persons licensed in more than one (1) area licensed under this article are only required to pay one (1) sixty dollar (\$60) fee for all licenses issued under this article. *(Indiana State Department of Health; 410 IAC 5.2-4-8)***

#### **Rule 5. Standards of Competent Practice**

##### **410 IAC 5.2-5-1 Confidentiality**

**Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29**

**Affected: IC 16-41-35**

**Sec. 1. An individual issued a license or permit under this article shall maintain the confidentiality of the following:**

- (1) All knowledge and information regarding a patient.**
- (2) All records relating to the patient as required by law.**

*(Indiana State Department of Health; 410 IAC 5.2-5-1)*

##### **410 IAC 5.2-5-2 Reasonable care**

**Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29**

**Affected: IC 16-41-35**

**Sec. 2. An individual issued a license or permit under this article shall exercise reasonable care and diligence in the care and treatment of patients based upon the following:**

- (1) Generally accepted:**
  - (A) scientific principles;**
  - (B) methods; and**
  - (C) treatments.**

**(2) Current professional theory and practice.**

*(Indiana State Department of Health; 410 IAC 5.2-5-2)*

##### **410 IAC 5.2-5-3 Incompetent practice**

**Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29**

**Affected: IC 16-41-35**

**Sec. 3. The following establishes incompetent practice under this article:**

- (1) Practicing radiology in a manner that endangers patients or the public.**
- (2) Willful violation of this article.**
- (3) Repeated violations of this article.**
- (4) Accepting or performing professional responsibilities that the person:**
  - (A) knows;**
  - (B) has reason to know; or**
  - (C) should know;**

that he or she is not competent to perform.

(5) Failure to deliver radiology services with a level of care, skill, and treatment that is recognized by a reasonably prudent person with similar education and training as being acceptable under similar conditions and circumstances.

(6) Inaccurately documenting patient care.

(7) Failure to appropriately supervise students under the licensee's direction.

*(Indiana State Department of Health; 410 IAC 5.2-5-3)*

## **Rule 6. Licensing of Radiologic Technologists**

### **410 IAC 5.2-6-1 Additional licensing requirements**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 1. (a)** In addition to the requirements in 410 IAC 5.2-4, to be eligible for a radiologic technologist license, a person shall be as follows:

(1) A graduate of a radiologic technology program:

(A) accredited by the Joint Review Committee on Education in Radiologic Technology; or

(B) approved by the department that has demonstrated to the department equivalent or higher standards as compared to standards of the Joint Review Committee on Education in Radiologic Technology.

(2) Currently certified and registered in radiologic technology by the American Registry of Radiologic Technologists (ARRT).

(b) Individuals who have never been registered by the ARRT but were issued a general radiation machine operator certificate before the effective date of this rule:

(1) are exempt from the requirements found in subsection (a); and

(2) will be issued a radiologic technologist license upon proof of:

(A) prior certification; and

(B) the completion of requirements under 410 IAC 5.2-4.

*(Indiana State Department of Health; 410 IAC 5.2-6-1)*

### **410 IAC 5.2-6-2 Scope of practice**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 2.** A radiologic technologist license authorizes an individual to perform all radiologic procedures ordered by a licensed practitioner except radiation therapy and nuclear medicine procedures. *(Indiana State Department of Health; 410 IAC 5.2-6-2)*

## **Rule 7. Licensing of Radiation Therapists**

### **410 IAC 5.2-7-1 Additional licensing requirements**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 1. (a)** In addition to the requirements in 410 IAC 5.2-4, to be eligible for a radiation therapist license, a person shall be as follows:

(1) A graduate of a radiation therapist program:

(A) accredited by the Joint Review Committee on Education in Radiologic Technology; or

(B) approved by the department that has demonstrated to the department equivalent or higher standards as compared to standards of the Joint Review Committee on Education in Radiologic Technology.

(2) Currently certified and registered in radiation therapy by the American Registry of Radiologic Technologists (ARRT).

(b) An individual who provides written proof to the department that he or she was actively employed as a radiation therapist for at least one (1) year before the effective date of this rule:

(1) is exempt from subsection (a); and

(2) will be granted a radiation therapist license upon the completion of requirements under 410 IAC 5.2-4.

*(Indiana State Department of Health; 410 IAC 5.2-7-1)*

**410 IAC 5.2-7-2 Scope of practice**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 2.** A radiation therapist license authorizes an individual to perform all radiation therapy procedures ordered by a licensed practitioner including therapy simulator or computed tomography (CT) simulator procedures. *(Indiana State Department of Health; 410 IAC 5.2-7-2)*

**Rule 8. Licensing of Nuclear Medicine Technologists**

**410 IAC 5.2-8-1 Additional licensing requirements**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 1. (a)** In addition to the requirements in 410 IAC 5.2-4, to be eligible for a nuclear medicine technologist license, a person shall be as follows:

**(1)** A graduate of a nuclear medicine technology program:

**(A)** accredited by the Joint Review Committee on Educational Programs in Nuclear Medicine Technology; or

**(B)** approved by the department that has demonstrated to the department equivalent or higher standards as compared to standards of the Joint Review Committee on Education Programs in Nuclear Medicine.

**(2)** Currently certified and registered in nuclear medicine technology by the American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board (NMTCB).

**(b)** An individual who provides written proof to the department that he or she was actively employed as a nuclear medicine technologist for at least one (1) year before the effective date of this rule will be granted a nuclear medicine license upon completion of requirements under 410 IAC 5.2-4. *(Indiana State Department of Health; 410 IAC 5.2-8-1)*

**410 IAC 5.2-8-2 Scope of practice**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 2.** A nuclear medicine technology license authorizes an individual to administer radiopharmaceutical agents for diagnostic and therapeutic purposes for the performance of nuclear medicine or positron emission tomography (PET) procedures ordered by a licensed practitioner. *(Indiana State Department of Health; 410 IAC 5.2-8-2)*

**Rule 9. Limited Radiography Programs**

**410 IAC 5.2-9-1 Procedure for limited radiography licensing**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 1. (a)** In addition to the requirements under 410 IAC 5.2-4, to be eligible for a limited radiology license or provisional permit, a person shall meet the following requirements:

**(1)** Be the following:

**(A)** At least eighteen (18) years of age.

**(B)** A high school graduate or GED certificate holder.

**(2)** Complete a limited radiography program approved by the department.

**(3)** Obtain the following:

**(A)** Clinical training.

**(B)** Certification of proficiency.

The person must obtain certification of proficiency before the expiration of the provisional limited radiography permit.

**(b)** An applicant to obtain a limited radiography license shall not operate a radiation machine:

- (1) before obtaining a provisional limited radiography permit; or
- (2) after expiration of a provisional limited radiography permit.

(c) The limited radiography program may be completed before or after being issued a provisional limited radiography permit.

(d) If a person fails to complete the limited radiography program and exam required for a limited radiography license before the expiration of the provisional permit, the permit expires and the person may not operate a radiation machine. Upon:

- (1) completion of the limited radiography program; and
- (2) passing of the required exam;

the department may grant the individual an additional thirty (30) days to complete the certification of proficiency requirements if not previously completed. (*Indiana State Department of Health; 410 IAC 5.2-9-1*)

#### **410 IAC 5.2-9-2 Approval of limited radiography programs**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 16-41-35

Sec. 2. (a) The following are the limited radiography programs authorized under this article:

- (1) Limited dental radiography program.
- (2) Limited chest radiography program.
- (3) Limited chiropractic radiography program.
- (4) Limited general radiography program.
- (5) Limited podiatric radiography program.

(b) Limited radiology programs shall be approved by the department before offering the program.

(c) Faculty of a limited radiology program shall be a:

- (1) practitioner; or
- (2) licensed radiologic technologist.

(d) To be approved by the department, the limited radiology program must do the following:

(1) Submit the following:

(A) An application for approval as a limited radiology program:

- (i) on a form; and
- (ii) in a manner;

approved by the department.

(B) Information and documentation required by the application form.

(C) A complete curriculum to the department for approval.

(2) Demonstrate compliance with program requirements established by the department.

(e) Programs must be reapproved by the department every five (5) years. (*Indiana State Department of Health; 410 IAC 5.2-9-2*)

#### **410 IAC 5.2-9-3 Curriculum for limited radiology programs**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 16-41-35

Sec. 3. (a) The curriculum for a limited radiology program shall be approved by the department. The department may seek the assistance of a curriculum review committee appointed by the department to do the following:

- (1) Review the adequacy of the curriculum.
- (2) Make curricular recommendations to programs.
- (3) Ensure compliance with minimum curricular standards established by the department.

(b) The following general categories must be included in a limited radiology program:

- (1) Fundamentals of health care.
- (2) Medical terminology.
- (3) Patient care and management.
- (4) Human anatomy and physiology.
- (5) Imaging production and evaluation.
- (6) Imaging equipment and radiation production.
- (7) Radiation protection and radiobiology.

(c) In addition to the categories in subsection (b), the curriculum must include the following:

- (1) Limited chest radiography programs must include instruction on chest radiography procedures.
- (2) Limited chiropractic programs must include instruction on spine and extremity radiographic procedures.
- (3) Limited dental programs must include instruction on dental radiographic procedures.
- (4) Limited podiatry programs must include instruction on:
  - (A) foot;
  - (B) ankle; and
  - (C) leg below the knee;
 radiographic procedures.

(d) Limited radiography programs must be competency-based educational programs. *(Indiana State Department of Health; 410 IAC 5.2-9-3)*

#### **410 IAC 5.2-9-4 Procedures for certification of proficiency**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 16-41-35

Sec. 4. (a) An applicant for a limited radiography license must obtain:

- (1) a practitioner;
- (2) an educator in an approved radiologic technology program; or
- (3) another licensed individual approved by the department;

to certify the applicant's proficiency in the procedures included under the limited license for which the applicant is applying. The individual providing the certification may only certify procedures that fall under his or her license.

(b) The responsibilities of the individual providing the certification are as follows:

(1) The individual providing the certification must do the following:

- (A) Ensure that the student is instructed on the:
  - (i) principles of radiation protection; and
  - (ii) operation of radiation machines;

before the student making radiographic exposures.

(B) Provide the applicant with clinical instruction on procedures included in that limited radiography license.

(C) Ensure that the applicant is under direct supervision by:

- (i) an appropriate practitioner;
- (ii) a licensed radiologic technologist; or
- (iii) another licensed individual approved by the department;

in order to assist and evaluate the student's performance in terms of positioning, radiation protection, and radiographic film quality.

(2) The individual providing the certification shall complete an evaluation and certification form:

(A) on a form; and

(B) in a manner;

approved by the department.

(c) The certification must be achieved by the expiration of the provisional permit.

(d) The applicant may select a new individual to provide the certification during the provisional license period. This shall not, however, extend the expiration date of the provisional license. *(Indiana State Department of Health; 410 IAC 5.2-9-4)*

## **Rule 10. Limited Dental Radiography License**

### **410 IAC 5.2-10-1 Additional license requirements**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 1. (a)** As follows, in addition to the requirements in 410 IAC 5.2-4, to be eligible for a limited dental radiography license, a person shall have satisfactorily:

**(1)** Completed an educational program from a school whose radiographic program is either of the following:

**(A)** Approved by the commission on dental accreditation.

**(B)** A limited dental radiography program approved by the department.

**(2)** Been certified by a licensed practitioner or licensed dental hygienist in an approved educational program as proficient in performing the procedures included in the limited dental curriculum.

**(3)** Passed one (1) or more of the following examinations:

**(A)** The Dental Assisting National Board (DANB) examination in general chairside assisting.

**(B)** The Dental Assisting National Board (DANB) dental radiation health and safety examination.

**(C)** An examination approved by the department.

**(b)** Persons issued a limited dental radiology certificate by the department before the effective date of this rule:

**(1)** are deemed to be in compliance with subsection (a); and

**(2)** will continue to be issued a renewal upon compliance with the application requirements under 410 IAC 5.2-4.

*(Indiana State Department of Health; 410 IAC 5.2-10-1)*

### **410 IAC 5.2-10-2 Scope of practice**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 2.** A limited dental radiography license authorizes an individual to perform any dental radiographic procedure ordered by a practitioner. *(Indiana State Department of Health; 410 IAC 5.2-10-2)*

## **Rule 11. Limited General Radiography License**

### **410 IAC 5.2-11-1 Additional licensing requirements**

**Authority:** IC 16-41-35-26; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 1. (a)** As follows, in addition to the requirements in 410 IAC 5.2-4, to be eligible for a limited general radiology license, a person shall have satisfactorily:

**(1)** Completed a limited general radiography program approved by the department.

**(2)** Passed an exam approved by the department.

**(3)** Been certified by a licensed:

**(A)** practitioner; or

**(B)** radiologic technologist;

as proficient in performing the procedures included in the limited general curriculum.

**(b)** Persons issued a limited general radiology certificate by the department before the effective date of this rule:

**(1)** are deemed to be in compliance with subsection (a), and

**(2)** will continue to be issued a renewal upon compliance with the application requirements under 410 IAC 5.2-4.

**(c)** No new limited general radiology certificates or licenses will be issued to initial applicants after the effective date of this rule. *(Indiana State Department of Health; 410 IAC 5.2-11-1)*

### **410 IAC 5.2-11-2 Scope of practice for limited general radiography license**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35



**Sec. 2. A limited general radiography license authorizes an individual to perform any radiographic procedure except for procedures using contrast media and mammography procedures. The radiographic procedure shall have been ordered by a practitioner. (Indiana State Department of Health; 410 IAC 5.2-11-2)**

#### **Rule 12. Limited Chest Radiography License**

##### **410 IAC 5.2-12-1 Additional licensing requirements**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 1. (a) As follows, in addition to the requirements in 410 IAC 5.2-4, to be eligible for a limited chest radiography license, a person shall have:**

- (1) Completed a limited general radiography program approved by the department.**
- (2) Passed an exam approved by the department.**
- (3) Been certified as proficient in performing the procedures included in the limited chest radiography curriculum by a licensed practitioner or a licensed radiologic technologist employed as an educator in a radiologic technology program approved by the department.**

**(b) Persons issued a limited chest radiography certificate by the department before the effective date of this rule:**

- (1) are deemed to be in compliance with subsection (a); and**
- (2) will continue to be issued a renewal upon compliance with the application requirements under 410 IAC 5.2-4.**

*(Indiana State Department of Health; 410 IAC 5.2-12-1)*

##### **410 IAC 5.2-12-2 Scope of practice**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 2. A limited chest radiography license authorizes an individual to perform chest radiography procedures ordered by a practitioner. (Indiana State Department of Health; 410 IAC 5.2-12-2)**

#### **Rule 13. Limited Chiropractic Radiography License**

##### **410 IAC 5.2-13-1 Additional license requirements**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 1. (a) As follows, in addition to the requirements in 410 IAC 5.2-4, to be eligible for a limited chiropractic radiography license, a person shall have:**

- (1) Completed a limited chiropractic radiography program approved by the department.**
- (2) Passed an exam approved by the department.**
- (3) Been certified as proficient in performing the procedures included in the limited chiropractic radiography curriculum by a licensed practitioner or a licensed radiologic technologist employed as an educator in a radiologic technology program approved by the department.**

**(b) Persons issued a limited chiropractic radiography certificate by the department before the effective date of this rule:**

- (1) are deemed to be in compliance with subsection (a); and**
- (2) will continue to be issued a renewal upon compliance with the application requirements under 410 IAC 5.2-4.**

*(Indiana State Department of Health; 410 IAC 5.2-13-1)*

##### **410 IAC 5.2-13-2 Scope of practice**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 2. A limited chiropractic radiography license authorizes an individual to perform spine and extremity radiographic procedures ordered by a practitioner. (Indiana State Department of Health; 410 IAC 5.2-13-2)**

## **Rule 14. Limited Podiatric Radiography License**

### **410 IAC 5.2-14-1 Additional licensing requirements**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 1. (a)** As follows, in addition to the requirements in 410 IAC 5.2-4, to be eligible for a limited podiatric radiography license, a person shall have:

- (1)** Completed a limited podiatric radiography program approved by the department.
- (2)** Passed an exam approved by the department.
- (3)** Been certified as proficient in performing the procedures included in the limited podiatric radiography curriculum by a licensed practitioner or a licensed radiologic technologist employed as an educator in a radiologic technology program approved by the department.

**(b)** Persons issued a limited podiatric radiography certificate by the department before the effective date of this rule:

- (1)** are deemed to be in compliance with subsection (a), and
- (2)** will continue to be issued a renewal upon compliance with the application requirements under 410 IAC 5.2-4.

*(Indiana State Department of Health; 410 IAC 5.2-14-1)*

### **410 IAC 5.2-14-2 Scope of practice**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 2. A limited podiatric radiography license authorizes an individual to perform:**

- (1)** foot;
- (2)** ankle; and
- (3)** leg below the knee;

**radiographic procedures ordered by a practitioner.** *(Indiana State Department of Health; 410 IAC 5.2-14-2)*

SECTION 2. 410 IAC 5-11 IS REPEALED.

### ***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on April 24, 2006 at 9:30 a.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on a proposed new rule to regulate who may operate a radiation machine and what level of training and experience the operator must have and to repeal 410 IAC 5-11.*

*These rules update the rules for operators of radiation machines recognizing the changes in different types of radiation machines. Requirements of this rule are in concert with the statute requiring this rule to be written.*

*Copies of these rules are now on file at the Health Care Regulatory Commission at the Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Sue Uhl  
Deputy State Health Commissioner  
Indiana State Department of Health