



RADIOGRAPHY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
August 3, 2016

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-3)**
- B) Approval of Minutes of April 5, 2016 (4-8)**
- C) Administrative Updates**
 - 1) Department and Staff Updates
 - 2) Board Membership Updates
 - 3) Appointments/Reappointments/Confirmations
 - 4) Board Members – Term Expiration Dates
 - a) Gregg Bogost – 07/01/2015
 - b) Donald Borst – 07/01/2017
 - c) Michele Goodweiler – 07/01/2018
 - d) Tracy Marshall – 07/01/2016
 - e) Heidi Nichols – 07/01/2020
- D) 9:00 A.M. Public Hearing: Clearinghouse Rule 16-030 – RAD 4 Relating to Scope of Practice (9-16)**
 - 1) Review and Respond to Clearinghouse Report and Public Hearing Comments
- E) Legislative/Administrative Rule Matters:**
 - 1) Scope Statement Relating to the Definition of Licensed Independent Practitioner (17-18)
 - 2) Update on Other Legislation and Pending or Possible Rulemaking Projects
- F) Section 17.415(d)(1)(i)(B) of VA Proposed Rule – Discussion and Consideration (19)**
- G) Informational Item(s)**
- H) Speaking Engagement(s), Travel, or Public Relation Request(s)**

- I) Items Added After Preparation of Agenda:
- 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters
 - 4) Credentialing Matters
 - 5) Practice Matters
 - 6) Legislation/Administrative Rule Matters
 - 7) Liaison Report(s)
 - 8) Informational Item(s)
 - 9) Disciplinary Matters
 - 10) Presentations of Petition(s) for Summary Suspension
 - 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 12) Presentation of Proposed Decisions
 - 13) Presentation of Interim Order(s)
 - 14) Petitions for Re-Hearing
 - 15) Petitions for Assessments
 - 16) Petitions to Vacate Order(s)
 - 17) Petitions for Designation of Hearing Examiner
 - 18) Requests for Disciplinary Proceeding Presentations
 - 19) Motions
 - 20) Petitions
 - 21) Appearances from Requests Received or Renewed
 - 22) Speaking Engagement(s), Travel, or Public Relation Request(s), and reports
- J) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

K) APPEARANCE: Colleen Meloy, DLSC Attorney, and Respondent - Administrative Warning Review (WARN00000492)(DLSC Case # 13 RAD 005 – J.P.D.) (20-23)

L) Deliberation on Division of Legal Services and Compliance (DLSC) Matters

M) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders

- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N) Consult with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- O) Open Session Items Noticed Above not Completed in the Initial Open Session
- P) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- Q) Ratification of Licenses and Certificates

ADJOURNMENT

The next scheduled meeting is November 30, 2016.

**RADIOGRAPHY EXAMINING BOARD
MEETING MINUTES
APRIL 5, 2016**

PRESENT: Gregg Bogost, Donald Borst (*via GoToMeeting*), Michele Goodweiler, Tracy Marshall (*via GoToMeeting*), Susan Sanson

STAFF: Tom Ryan, Executive Director; and Nilajah Hardin, Bureau Assistant; and other Department staff

CALL TO ORDER

Susan Sanson, Chair, called the meeting to order at 9:02 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Gregg Bogost moved, seconded by Michele Goodweiler, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Gregg Bogost moved, seconded by Michele Goodweiler, to approve the minutes of December 1, 2015 as published. Motion carried unanimously.

NOMINATIONS, ELECTIONS, AND APPOINTMENTS

Election of Officers

Board Chair

NOMINATION: Susan Sanson nominated Donald Borst for the Office of Board Chair.

Tom Ryan called for nominations three (3) times.

Donald Borst was elected as Chair by unanimous consent.

Vice Chair

NOMINATION: Susan Sanson nominated Tracy Marshall for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

Tracy Marshall was elected as Vice Chair by unanimous consent.

Secretary

NOMINATION: Susan Sanson nominated Michele Goodweiler for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Michele Goodweiler was elected as Secretary by unanimous consent.

2016 ELECTION OF OFFICERS	
Board Chair	Donald Borst
Vice Chair	Tracy Marshall
Secretary	Michele Goodweiler

Appointment of Liaisons

2016 LIAISON APPOINTMENTS	
Credentialing Liaison	Donald Borst <i>Alternate: Tracy Marshall</i>
Legislative Liaison	Michele Goodweiler <i>Alternate: Donald Borst</i>
Monitoring Liaison	Michele Goodweiler <i>Alternate: Donald Borst</i>
Education and Exams Liaison	Tracy Marshall <i>Alternate: Donald Borst</i>
Professional Assistance Procedure (PAP) Liaison	Tracy Marshall <i>Alternate: Michele Goodweiler</i>
Practice Question Liaison	Donald Borst <i>Alternate: Michele Goodweiler</i>
Travel Liaison	Donald Borst
Website Liaison	Michele Goodweiler
Rules Liaison	Donald Borst <i>Alternate: Tracy Marshall</i>
Screening Panel	Donald Borst, Tracy Marshall

MOTION: Susan Sanson moved, seconded by Michele Goodweiler, to affirm the Chair's appointment of liaisons for 2016. Motion carried unanimously.

Delegation of Authority

Delegated Authority for Urgent Matters

MOTION: Susan Sanson moved, seconded by Gregg Bogost, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Gregg Bogost moved, seconded by Susan Sanson, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Gregg Bogost moved, seconded by Susan Sanson, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Susan Sanson moved, seconded by Gregg Bogost, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

MOTION: Susan Sanson moved, seconded by Gregg Bogost, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Monitoring Delegation

MOTION: Gregg Bogost moved, seconded by Susan Sanson, to affirm the Chair's appointment of Michele Goodweiler as the Monitoring Liaison, and Donald Borst as alternate, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor; document as presented. Motion carried unanimously.

Travel Delegation

MOTION: Gregg Bogost moved, seconded by Susan Sanson, to authorize the travel liaison to approve all Board travel. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Possible Scope Statement Relating to the Authority of Physical Therapists to Order X-rays (Assembly Bill 549) and American Registry of Radiologic Technologists (ARRT) Terminology Concerning Registered Technologists Credentials

MOTION: Michele Goodweiler moved, seconded by Susan Sanson, to request DSPS staff draft a Scope Statement relating to the authority of physical therapists to order X-rays (Assembly Bill 549) if Assembly Bill 549 is enacted into law. Motion carried unanimously.

CLOSED SESSION

MOTION: Susan Sanson moved, seconded by Tracy Marshall, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Gregg Bogost – yes; Donald Borst – yes; Michele Goodweiler – yes; Tracy Marshall – yes; Susan Sanson – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:13 a.m.

RECONVENE TO OPEN SESSION

MOTION: Susan Sanson moved, seconded by Gregg Bogost, to reconvene in Open Session at 10:24 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Susan Sanson moved, seconded by Michele Goodweiler, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

13 RAD 005 – J.P.D.

MOTION: Gregg Bogost moved, seconded by Michele Goodweiler, to issue an Administrative Warning in the matter of DLSC case number 13 RAD 005 – J.P.D. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

13 RAD 005 – Megan A. Simon, R.T.

MOTION: Gregg Bogost moved, seconded by Susan Sanson, to adopt the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Megan A. Simon, R.T., Respondent, DLSC case number 13 RAD 005. Motion carried unanimously.

15 RAD 001 – Sean R. Babino, R.T.

MOTION: Susan Sanson moved, seconded by Michele Goodweiler, to adopt the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Sean R. Babino, R.T., Respondent, DLSC case number 15 RAD 001. Motion carried unanimously.

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Gregg Bogost moved, seconded by Susan Sanson, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Susan Sanson moved, seconded by Michele Goodweiler, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:53 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 7/22/16 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Radiography Examining Board			
4) Meeting Date: 8/3/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 9:00 A.M.- PUBLIC HEARING: CR16-030 – RAD 4 Relating to Scope of Practice 1. Review and Respond to Clearinghouse Report and Public Hearing Comments Legislative and Administrative Rule Matters – Discussion and Consideration 1. Scope Statement Relating to the Definition of Licensed Independent Practitioner 2. Update on Other Legislation and Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Legislative and Administrative Rule Matters – Discussion and Consideration 1. The Board will review and consider approval of a scope statement relating to the definition of licensed independent practitioner in ch. RAD 1. The objective of the proposed rule to which the scope statement relates is to revise the definition of licensed independent practitioner to reflect the provisions of 2015 Wisconsin Act 375, which grants qualified physical therapists the authority to order X-rays.			
11) Authorization			
<i>Dale Kleven</i>		<i>July 22, 2016</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
RADIOGRAPHY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	RADIOGRAPHY EXAMINING
	:	BOARD
RADIOGRAPHY EXAMINING	:	ADOPTING RULES
BOARD	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Radiography Examining Board to amend RAD 4.01 (2) and 4.02 (2) relating to scope of practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority: Sections 15.08 (5) (b) and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides examining boards, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency, “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Related statute or rule:

None.

Plain language analysis:

The current rule defines the scope of practice for radiographers and limited X-ray machine operators by reference to the standards set by the American Society of Radiologic Technologists (ASRT) in 2010. ASRT updated the standards in 2013. The proposed rule would amend the administrative code to reference the 2013 standards.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:**Illinois:**

The standards of practice in Illinois Administrative Code do not reference the American Society of Radiologic Technologist standards.

Iowa:

The standards of practice in Iowa Administrative Code do not reference the American Society of Radiologic Technologist standards.

Michigan:

The standards of practice in Michigan Administrative Code do not reference the American Society of Radiologic Technologist standards.

Minnesota:

The standards of practice in Minnesota Administrative Code do not reference the American Society of Radiologic Technologist standards.

Summary of factual data and analytical methodologies:

This rule updates the applicable scope of practice standards to reference the current 2013 American Society of Radiologic Technologists standards. Neighboring states requirements were also reviewed.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at Dale2.Kleven@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Dale2.Kleven@wisconsin.gov. Comments must be received on or before August 3, 2016 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. RAD 4.01 (2) is amended to read:

RAD 4.01 (2) The scope of practice of a licensed radiography is defined in the Radiography Standards, Practice Standards for Medical Imaging and Radiation Therapy, ~~2010~~ 2013 American Society of Radiologic Technologists.

SECTION 2. RAD 4.02 (2) is amended to read:

RAD 4.02 (2) The scope of practice of a LXMO is defined in the Limited X-ray Machine Operator Practice Standards, ~~2010~~ 2013 American Society of Radiologic Technologists.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

RAD 4

3. Subject

Scope of Practice

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165 (1) (g)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The current rule defines the scope of practice for radiographers and limited X-ray machine operators by reference to the standards set by the American Society of Radiologic Technologists (ASRT) in 2010. ASRT updated the standards in 2013. The proposed rule would amend the administrative code to reference the 2013 standards.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule was posted on the Department and Professional Services website for 14 days in order to solicit comments from businesses, associations representing, local governmental units and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is providing clarity and updated scope of practice standards. If the rule is not implemented, it will continue to reference outdated scope of practice standards.

14. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is clarity and updated scope of practice standards.

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

The administrative code of Illinois, Iowa, Michigan, and Minnesota concerning standards of practice do not reference the American Society of Radiologic Technologist standards.

17. Contact Name

Dale Kleven

18. Contact Phone Number

(608) 261-4472

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit S. Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **16-030**

AN ORDER to amend RAD 4.01 (2) and 4.02 (2), relating to scope of practice.

Submitted by **RADIOGRAPHY EXAMINING BOARD**

03-18-2016 RECEIVED BY LEGISLATIVE COUNCIL.

04-06-2016 REPORT SENT TO AGENCY.

MSK:MM

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

STATEMENT OF SCOPE

Radiography Examining Board

Rule No.: Chapter RAD 1

Relating to: Definition of licensed independent practitioner

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to reflect the provisions of 2015 Wisconsin Act 375, which grants qualified physical therapists the authority to order X-rays.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current rules provide the scope of practice for radiographers involves the production of images for the interpretation by, or at the request of, a licensed independent practitioner. "Licensed independent practitioner" as defined in current rules does not include a physical therapist. The proposed rule would amend the definition of "licensed independent practitioner" to include a physical therapist who is licensed under s. 448.53, Stats., and satisfies one of the qualifications under s. 448.56 (7) (a), Stats.

If the rules are not updated, they will not reflect the provisions of 2015 Wisconsin Act 375.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides examining boards, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

30 hours

6. List with description of all entities that may be affected by the proposed rule:

Licensed radiographers and limited X-ray machine operator permit holders.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, (608) 261-4472, Dale2.Kleven@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Michele Goodweiler		2) Date When Request Submitted: 7/25/2016 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Radiography Examining Board			
4) Meeting Date: 8/3/2016	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Section 17.415(d)(1)(i)(B) of VA proposed rule - discussion	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: <p style="margin-left: 40px;">Section 17.415(d)(1)(i)(B) in the VA proposal, “A CNP has full practice authority to: Order, perform, supervise, and interpret laboratory and imaging studies.” The ASRT has commented on having major issues with this section. There is little in the bill to suggest more training for these individuals.</p> <p style="margin-left: 40px;">I believe this is clearly a patient safety issue in regards to CNP performing imaging studies. They typically do not have the expertise, training, and experience in radiation protection issues as registered radiologic technicians. I believe that this is in violation of the mission of technologists to provide safe and quality care.</p> <p style="margin-left: 40px;">I could defer to the radiologist board member on the topic of them interpreting imaging studies. The ACR and AMA see many flaws in this proposed legislation. For example, many board certified physicians rely on radiologists to intercept these exams; how we ask CNP’s to perform these duties in the VA system. The VA has many patients with very complicated health care issues. The lack of additional training could cause quality of care issues for our VA population in Wisconsin. Our veterans deserve better care than this.</p> <p style="margin-left: 40px;"><u>ACR Tells VA: No Imaging by CNPs - American College of Radiology</u></p>			