

BOARDS AND COMMISSIONS
Board for Medical Imaging and Radiation Therapy
(Amendment)

201 KAR 46:020. Fees.

RELATES TO: KRS 311B.050, 311B.100(2), 311B.110, 311B.120, 311B.130, 311B.140, 311B.180, 311B.190

STATUTORY AUTHORITY: KRS 311B.010, 311B.050, 311B.120

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.010 and 311B.050 require the Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to regulate medical imaging, radiation therapy, and related occupations. KRS 311B.120 requires the board to promulgate administrative regulations to establish fees and penalties. This administrative regulation establishes fees for the licensure of an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, a nuclear medicine technologist, and a limited x-ray machine operator.

Section 1. Initial Application and License Fee. A non-refundable initial application and license fee shall be \$100.

Section 2. Renewal License Fee. A non-refundable renewal fee shall be fifty (50) dollars per year.

Section 3. Temporary Application and License Fee. A non-refundable fee for a temporary license shall be \$100.

Section 4. Provisional Training License Fee. A non-refundable fee for a provisional training license for a radiation therapist and a nuclear medicine technologist shall be fifty (50) dollars per twenty-four (24) month training period.

Section 5. Temporary Limited X-ray Machine Operator Application and License Fee. A non-refundable, non-transferrable fee for a license shall be \$100.

Section 6. Duplicate License Fee. A non-refundable fee for a duplicate license shall be twenty (20) dollars.

Section 7. Reinstatement Fee. A reinstatement fee shall be \$100. Reinstatement fee shall be assessed starting on day six (6) following the expiration date of license.

Section 8. Name Change Fee. A non-refundable fee for a new printed license with a name change shall be twenty (20) dollars.

Section 9. Limited X-ray Machine Operator Examination Qualification Fee. A non-refundable fee for the qualification to register for the limited x-ray machine operator examination shall be twenty-five (25) dollars~~[\$165]~~.

Section 10. Insufficient Funds Fee. A fee for returned check or denied online banking (ACH) payment shall be fifty (50) dollars.

Section 11. Written Verification of Qualifications Fee. The fee for completion of written verification documents shall be twenty-five (25) dollars per document.

Section 12. Continuing Education Approval Fee.

(1) Individual continuing education program fee shall be ten (10) dollars.

(2) Annual sponsoring institution fee shall be \$100.

(1 Ky.R. 1158; 2 Ky.R. 246; 3 Ky.R. 636; eff. 3-2-1977; 12 Ky.R. 1425; eff. 3-4-1986; 14 Ky.R. 2087; eff. 6-22-1988; 16 Ky.R. 2560; eff. 6-27-1990; 18 Ky.R. 1588; eff. 1-10-1992; 19 Ky.R. 305; 733; eff. 8-28-1992; 27 Ky.R. 3384; 28 Ky.R. 393; eff. 8-15-2001;

Recodified from 902 KAR 105:020, 11-20-2013; 41 Ky.R. 2299; 42 Ky.R. 1488; eff. 11-18-2015; 42 Ky.R. 2932; 43 Ky.R. 199; eff. 8-17-2016; 44 Ky.R. 1386; eff. 2-15-2018; 45 Ky.R. 2970; eff. 7-5-2019; 49 Ky.R. 2274; eff. 7-20-2022; Cert. eff. 11-8-2023.)

DOYLE DECKER, Chair

APPROVED BY AGENCY: December 8, 2021

FILED WITH LRC: December 21, 2021 at 12:50 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 23, 2022, at 10:00 a.m. in the office of the Board of Medical Imaging and Radiation Therapy, 125 Holmes Street, Suite 320, Frankfort, Kentucky 40601, (502) 782-5687. Individuals interested in attending this hearing shall notify the agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until the end of the day on March 31, 2022. Send written notification of intent to attend the public hearing or submit written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Elizabeth Morgan, Executive Director, Board of Medical Imaging and Radiation Therapy, 125 Holmes Street, Suite 320, Frankfort, Kentucky 40601, phone (502) 782-5687; fax (502) 782-6495; email elizabeth.morgan@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Elizabeth Morgan

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the fees to be assessed to licensees and applicants.

(b) The necessity of this administrative regulation:

The necessity of this regulation is to advise the public, licensee and applicant of fees to be assessed.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations establishing fees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation establishes the fees to be assessed from applications, renewals, reinstatement, name change, and various other programs and services provided by the board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment updates the fee for the limited x-ray machine operator exam due to an update from the exam administrator.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary since the board is updating the limited x-ray machine operator exam fee due to an update in the administration fee and process of paying exam fees to exam administrator.

(c) How the amendment conforms to the content of the authorizing statutes:

The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the establishment of fees.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment will update the fee for the limited scope exam due to a change in the process of registering individuals to take exam by the exam administrator.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Approximately 300 state health care organizations and approximately 7,600 licensees.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

There is no new requirement by this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

This amendment to the administrative regulation requires individuals that apply to take the limited scope exam to pay the administrative fee to the Board and they will also pay an exam fee to the organization that administers the exam.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The regulations place applicants and licensees on clear notice of the fees associated with licensure and procedures. (5) Provide an estimate of how much it will cost to implement this administrative regulation: No additional cost will be incurred as a result of amending this administrative regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No new costs will be incurred by the changes.

(b) On a continuing basis:

No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The board's operations are funded by fees established by this regulation and paid by licensees and applicants.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

The decrease in fees for the limited scope exam is due to the test administrator only allowing examinees to pay for the exam via online portal; previously, the Board was sent monthly invoices based on how many examinees registered for the exam.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

This amendment to the administrative regulation updates fees for the limited scope exam.

(9) TIERING: Is tiering applied?

Tiering was not applied as the regulation is applicable to all credential holders and applicants. This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Kentucky Board of Medical Imaging and Radiation Therapy.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 311B.010 to 311B.190

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

There will be no increase in revenue as a result of the decrease in fee for limited x-ray machine operator exam. This is the fee to review eligibility for the exam and register them into the exam system.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None

(c) How much will it cost to administer this program for the first year?

The cost associated with administering this regulation is the time for staff to register the individual for the exam.

(d) How much will it cost to administer this program for subsequent years?

This regulation merely defines terms used throughout the 201 KAR Chapter 46. There is no additional cost associated with administering this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: