

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

**201 KAR 46:040. Medical imaging technologist, advanced imaging professional, radiographer, nuclear medicine technologist, and radiation therapist licenses.**

RELATES TO: KRS 311B.020, 311B.050, 311B.100(2), 311B.110, 311B.120, 311B.180, 311B.190

STATUTORY AUTHORITY: KRS 311B.050, 311B.080, 311B.100(2), 311B.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.050 requires the Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to establish the procedures for the issuance and renewal of a license. KRS 311B.100(2) and KRS 311B.110(6) require the board to promulgate administrative regulations to establish the qualifications for an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, and a nuclear medicine technologist. This administrative regulation establishes requirements for licensure, renewal, and reinstatement.

Section 1. Eligibility for an Advanced Imaging Professional, a Medical Imaging Technologist, a Radiographer, a Radiation Therapist, and a Nuclear Medicine Technologist License. A person shall not be eligible for a license pursuant to this administrative regulation for diagnostic imaging or therapeutic purposes unless the person has:

- (1) Satisfactorily passed the national examination administered by the American Registry of Radiologic Technologists or the Nuclear Medicine Technology Certification Board examination;
- (2) Satisfactorily completed an accredited educational program; and
- (3) Maintained current active status of certification and registration with ARRT or NMTCB.

Section 2. Application for Initial License. An applicant shall submit:

- (1) A completed and signed application KBMIRT Form 1;
- (2) A nonrefundable initial application and license fee as established by 201 KAR 46:020, Section 1, unless the fee is waived in accordance with KRS 311B.140;
- (3) The results of a criminal background check completed within the past six (6) months in state of residence and employment and any other state of residence and employment within the past five (5) years;
- (4) A copy of a government-issued photo ID;
- (5) Documentation of active registration or certification with the ARRT or NMTCB; and
- (6) Verification of graduation from an accredited educational program.

Section 3. Applicant from an Unaccredited Educational Program.

- (1) If an applicant qualifies for licensure under KRS 311B.100(3), the applicant shall submit and satisfy the requirements of Section 2(1)(a) through (e) of this administrative regulation and shall submit proof:
  - (a) Of an active valid license or certificate from another jurisdiction's regulatory board to practice as an advanced imaging professional, medical imaging technologist, radiographer, radiation therapist, or nuclear medicine technologist and is in good standing;
  - (b) Of certification or licensure by a national organization recognized by the board;
  - (c) That the applicant has not been disciplined as an advanced imaging professional, medical imaging technologist, radiographer, radiation therapist, or nuclear medicine technologist by any jurisdiction or national organization that has issued a license or certificate to the applicant;

- (d) Of a minimum of five (5) years of work experience as a certified or licensed advanced imaging professional, medical imaging technologist, radiographer, radiation therapist, or nuclear medicine technologist; and
  - (e) That the applicant maintained continuing education requirements during the applicant's period of licensure or certification, which includes copies of any continuing education certificates received for attending from the sponsor.
- (2) If an applicant qualifies for licensure under KRS 12.245, 12.354, or 12.357, the applicant shall submit and satisfy the requirements of Section 2(1)(a) through (e) of this administrative regulation, subsection (1)(a) through (c) of this Section, and shall submit form DD-214 or other proof of active or prior military service for the applicant or spouse of the applicant.

Section 4. The issued license shall identify the licensee as an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, or a nuclear medicine technologist. The medical imaging technologist license shall also identify any ARRT or NMTCB disciplines awarded to the licensee.

Section 5. The license shall expire annually on the last day of the licensee's birth month. If a license is first issued to an individual less than six (6) months before the individual's birth month, the license issued to the individual shall not expire on that date, but instead it shall expire at the last day of the individual's birth month in the following calendar year.

Section 6. Renewal of License. To renew a license, the licensee shall submit:

- (1) KBMIRT Form 2;
- (2) Verification of current active status with the ARRT or NMTCB; and
- (3) The renewal license fee as established by 201 KAR 46:020, Section 2, unless the fee is waived in accordance with KRS 311B.140.

Section 7. Reinstatement of Lapsed License.

- (1) A licensee who has allowed the license to lapse up to twelve (12) months shall be eligible to be reinstated upon:
  - (a) Submission of KBMIRT Form 2;
  - (b) Verification of current active status with the ARRT or NMTCB;
  - (c) Submission of documentation of twenty-four (24) hours of approved continuing education biennially; and
  - (d) The payment of reinstatement and renewal fees as established by 201 KAR 46:020, Sections 2 and 7, unless the fees are waived in accordance with KRS 311B.140.
- (2) A licensee whose license has lapsed for more than twelve (12) months shall submit:
  - (a) Verification of current active status with the ARRT or NMTCB;
  - (b) KBMIRT Form 1;
  - (c) Continuing education KBMIRT Form 8, as incorporated by reference in 201 KAR 46:060, that documents twenty-four (24) hours of approved continuing education;
  - (d) The payment of nonrefundable initial application and license fee and reinstatement fee as established by 201 KAR 46:020, Sections 1 and 7, unless the fees are waived in accordance with KRS 311B.140;
  - (e) The results of a criminal background check completed within the past six (6) months in state of residence and employment and any other state of residence and employment within the past five (5) years; and
  - (f) A copy of a government-issued photo ID.

Section 8. Reinstatement of Revoked License. An applicant seeking reinstatement after a license revocation shall follow the same process as a new applicant as required under KRS 311B.100, 311B.110, and this administrative regulation.

Section 9. Lapsed Credential. A licensee shall not allow a credential to lapse while the license is active. If a licensee's credential is suspended, revoked, or otherwise discontinued by a national organization, the licensee shall notify the board immediately. A licensee seeking reinstatement following a lapse in credential shall submit:

- (1) Verification of current active status with the ARRT or NMTCB; and
- (2) Payment of reinstatement fee as established by 201 KAR 46:020, Section 7.

Section 10. Temporary License. The board may, upon completion of Form KBMIRT 3, as incorporated by reference in 201 KAR 46:045, and payment of the fee established in 201 KAR 46:020, Section 3, issue a temporary license to an applicant who has successfully completed an approved course of study in radiography, nuclear medicine technology, radiation therapy, or an advanced imaging profession and meets the other requirements of 201 KAR 46:045 other than having taken the required examination. A temporary license shall be effective for up to one (1) year only and shall not be renewable. Upon certification, a temporary license may be converted to a permanent license as described in 201 KAR 46:045, Section 2. A temporary license shall expire upon issuance of a permanent license.

Section 11. Continuing Education Audit Process.

- (1) The board shall select a sample of licensees to audit for continuing education compliance.
- (2) The board shall send each licensee selected for audit a notification of audit.
- (3) Each licensee shall maintain his or her personal files such as certificates or records of credit from approved continuing education programs from the current biennium and immediate prior biennium.
- (4) A licensee selected for audit shall provide the board with a copy of his or her certificate or records of completion.
- (5) Failure to comply with an audit may result in nonrenewal, suspension, or revocation of license.

Section 12. Contrast Procedures. Only individuals holding a license pursuant to this administrative regulation shall perform diagnostic imaging or radiation therapy procedures regulated by KRS Chapter 311B at facilities where contrast studies are performed.

Section 13. CT Training for Nuclear Medicine Technologists and Radiation Therapists. Individuals who are licensed in the primary discipline of nuclear medicine or radiation therapy, are certified by the ARRT or NMTCB, and are seeking post-primary certification in computed tomography (CT) may work under the direct supervision of a licensed and certified CT technologist to gain clinical competency. An individual who wishes to complete clinical training in CT shall submit a Provisional License Application, as incorporated by reference in 201 KAR 46:050, which shall expire twenty-four (24) months from the date of issuance.

Section 14. PET Training for Radiographers and Radiation Therapists. Individuals who are licensed in the primary discipline of radiography or radiation therapy, are certified by the ARRT, and are seeking post-primary certification in positron emission tomography (PET) may work under the direct supervision of a licensed and certified PET technologist with the permission of an authorized user to gain clinical competency. An individual who wishes to complete clinical training in PET shall submit a Provisional License Application, as incorporated by reference in 201 KAR 46:050, which shall expire twenty-four (24) months from the date of issuance.

Section 15. Applications for licensure shall be filed with the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Road, Suite A220, Lexington, Kentucky 40504.

Section 16. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) KBMIRT Form 1, "License Application-Medical Imaging or Radiation Therapy", August 2024~~[October 2023]~~; and
  - (b) KBMIRT Form 2, "License Renewal Application-Medical Imaging or Radiation Therapy", August 2024~~[October 2023]~~.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Road, Suite A220, Lexington, Kentucky 40504, Monday through Friday, 8:00 a.m. to 4:30 p.m.

*KERI LEAMY, Board Chair*

APPROVED BY AGENCY: August 13, 2024

FILED WITH LRC: September 5, 2024 at 10:45 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on November 21, 2024 at 10:00 am at 2365 Harrodsburg Rd, Suite A220, Lexington Kentucky 40504. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Elizabeth Morgan, Executive Director, 2365 Harrodsburg Rd, Suite A220, Lexington Kentucky 40504, phone 502-782-5687, fax 502-782-6495, email [elizabeth.morgan@ky.gov](mailto: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 requirements for eligibility for licensure, and the initial and renewal application process.

**(b) The necessity of this administrative regulation:**

The necessity of this regulation is to establish the standards and process for application and renewal of license issued by the board.

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

The regulation is in conformity as the authorizing statute giving the board the ability to promulgate regulations to carry out and enforce the provisions of KRS 311B.050(3), which authorizes the board to issue and renew the licenses of duly qualified applicants, following procedures established by the board through the promulgation of administrative regulations.

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

This administrative regulation establishes the procedures for the board to issue and renew the licenses of duly qualified applicants.

**(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 allows the Board to update the applications associated with initial license, renewal, and reinstatement to collect additional information, including questions about whether unlicensed practice occurred prior to application being approved and whether an ethics violation has occurred with the national certifying body.

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

The amendment is necessary to update the applications to include additional information on the applications.

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

The amendment conforms to the authorizing statute giving the board the ability to promulgate regulations to carry out and enforce the provisions of KRS 311B.050(3), which authorizes the board to issue and renew the licenses of duly qualified applicants, following procedures established by the board through the promulgation of administrative regulations.

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

The amendments will update the renewal, initial and reinstatement license applications to establish whether the applicant is in compliance with ethical standards of the national certifying body as required in KRS 311B.080.

**(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 8,000 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:**

Individuals who seek to be licensed or have an issued license to be renewed must submit an application setting forth the individual's qualifications.

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

There are no additional costs for complying with the amendment.

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

Qualified individuals will be able to be licensed and maintain previously issued licenses.

**(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 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:**

No.

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

No.

**(9) TIERING: Is tiering applied?**

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

## FISCAL IMPACT STATEMENT

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

KRS 311B.050, KRS 311B.080, KRS 311B.100, KRS 311B.110

**(2) Identify the promulgating agency and any other affected state units, parts, or divisions:**

Kentucky Board of Medical Imaging and Radiation Therapy.

**(a) Estimate the following for the first year:**

**Expenditures:**n/a

**Revenues:**n/a

**Cost Savings:**n/a

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

There is no cost associated with administering this regulation.

**(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

Local entities should not be affected.

**(a) Estimate the following for the first year:**

**Expenditures:**n/a

**Revenues:**n/a

**Cost Savings:**n/a

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

There is no cost associated with administering this regulation.

**(4) Identify additional regulated entities not listed in questions (2) or (3):**

None.

**(a) Estimate the following for the first year:**

**Expenditures:**n/a

**Revenues:**n/a

**Cost Savings:**n/a

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

There is no cost associated with administering this regulation.

**(5) Provide a narrative to explain the:**

**(a) Fiscal impact of this administrative regulation:**

There is no cost associated with administering this regulation.

**(b) Methodology and resources used to determine the fiscal impact:**

There is no cost associated with administering this regulation.

**(6) Explain:**

**(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)**

There is no cost associated with administering this regulation.

**(b) The methodology and resources used to reach this conclusion:**

There is no cost associated with administering this regulation.