

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

201 KAR 46:100. Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund.

RELATES TO: KRS 311B.050, 311B.130

STATUTORY AUTHORITY: KRS 311B.050, 311B.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.050 requires the Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to administer and enforce KRS Chapter 311B and designate funds for scholarships, program development, or continued education. KRS 311B.130 appropriates that moneys collected shall be used for the payment of operational expenses incurred in fulfilling the board's duties as described in KRS Chapter 311B and administrative regulation. This administrative regulation implements the Kentucky Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund and establishes the requirements relating to the program.

Section 1. Application:

- (1) To be eligible for the scholarship, an applicant shall submit:
 - (a) A completed and signed application, KBMIRT Form 10;
 - (b) A current resume or curriculum vitae;
 - (c) Three (3) letters of recommendation;
 - (d) Official transcripts from highest level of education achieved; and
 - (e) A written statement describing applicant's professional goals, not to exceed 250 words.
- (2) In addition to items listed in subsection 1(1)(a) through (e) of this Section, an individual seeking scholarship for a non-degree program, such as structured education or limited x-ray machine operator program, shall also submit a document describing the financial obligations required of the program.
- (3) Applications shall be accepted from January 1 through April 1 annually.

Section 2. Criteria for Awards.

- (1) The board shall consider the following criteria in evaluating an application:
 - (a) Resident of Kentucky or employed in Kentucky;
 - (b) Potential for academic success as determined by the high school, vocational school, college, or university grade point average for whichever institution the applicant most recently attended;
 - (c) Previous healthcare experience, either paid or volunteer, for each year in which service is validated; and
 - (d) Written statement of professional goals.
- (2) The applicant shall be considered ineligible for award if the application is:
 - (a) Postmarked after April 1;
 - (b) Deemed incomplete; or
 - (c) Submitted for a medical imaging modality not recognized by the board.

Section 3. Procedure for Disbursement of Awards.

- (1) The board shall be notified by the board's fiscal officer as to the current fund balance prior to making an award. The amount of award shall be determined by the board and shall not exceed \$1500 annually per recipient.
- (2) The board may prioritize awards to those recipients who:
 - (a) Received an award in the previous year; and

- (b) Remain eligible to receive award pursuant to Section 4 of this administrative regulation in the current year.
- (3) If funds remain available after the awards are made pursuant to paragraph (2)(a) of this subsection, the board may make an award to other eligible applicants.
- (4) ~~((2))~~ Disbursement of funds shall be made directly to the recipient.
- (5) ~~((3))~~ Each educational institution in which a student receiving a medical imaging, radiation therapy, or limited x-ray machine operator scholarship award is enrolled shall certify to the board no later than thirty (30) days from the beginning of each semester on KBMIRT Form 11, that the recipient:
- (a) Has enrolled; and
 - (b) Is in good standing in the medical imaging, radiation therapy, or limited x-ray machine operator program.
- (6) ~~((4))~~ For a recipient receiving award for continued education, the recipient shall provide:
- (a) A confirmation of enrollment into structured education course; and
 - (b) An approval letter from clinical site.

Section 4. Continuing Eligibility Criteria.

- (1) Except as established in subsection (3) of this section, a recipient of the award shall be eligible to continue to receive an award if the recipient:
- (a) Maintains successful academic progression through the program; and
 - (b) Submits to the board a completed KBMIRT Form 10 on or before April 1.
- (2) The educational institution shall certify to the board no later than thirty (30) days from the beginning of each semester on KBMIRT Form 11 confirmation that the recipient is enrolled and in good standing in the medical imaging or radiation therapy program.
- (3) An award recipient in a limited x-ray machine operator program or for continued education shall not be eligible for consecutive awards from the scholarship while enrolled in that program.

Section 5. ~~[Section 4.]~~ Disbursement Contract and Promissory Note. Prior to disbursement of ~~[initial]~~ funds, the recipient shall sign a notarized KBMIRT Form 12 and KBMIRT Form 13.

Section 6. ~~[Section 5.]~~ Repayment and Deferral.

- (1) A recipient shall immediately become liable to the board to pay the sum of all scholarships received and the accrued interest on the scholarships if the recipient fails to complete the:
- (a) Medical imaging, radiation therapy, or limited x-ray machine operator program in which the individual is enrolled within the time specified by the program;
 - (b) Structured education course or clinical requirements required to qualify for the post-primary certification within the time specified by the ARRT or NMTCB; or
 - (c) Required employment as specified in the contract, KBMIRT Form 12.
- (2) Written notification of demand for repayment shall be sent by the board to the scholarship recipient's last known address and shall be effective upon mailing.
- (a) The board may agree to accept repayment in installments in accordance with a schedule established by the board.
 - (b) Payments shall first be applied to interest and then to principal on the earliest unpaid contracts.
- (3) Repayment may be deferred in the case of instances such as disability, major illness, accident, or if an active duty member of the Armed Forces of the United States that prevents a recipient from completing a program or being employed as a medical imaging technologist, radiation therapist, or limited x-ray machine operator in Kentucky. Request

for deferment requires completion of KBMIRT Form 14 and a physician's statement, or form DD-214, or other proof of active military status.

(4) A student enrolled in a program may defer repayment if the student fails to achieve successful academic progression. Request for deferral requires completion of KBMIRT Form 14 and a certified official transcript.

Section 7. [~~Section 6.~~] Verification.

(1) Verification of employment as a medical imaging technologist, radiation therapist, or limited x-ray machine operator in Kentucky pursuant to the contract, KBMIRT Form 12 shall be submitted to the board when the recipient's employment commitment begins and when it is completed. A termination of employment prior to completion shall be reported to the board within thirty (30) days by the employer and the recipient.

(2) A recipient shall notify the board of a change of name or address or enrollment status in school immediately and within thirty (30) days of change.

Section 8. [~~Section 7.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) KBMIRT Form 10, "Scholarship Application - Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund ", ~~October 2023~~; August 2024

(b) KBMIRT Form 11, "Scholarship Application - Verification of Student Status", October 2023;

(c) KBMIRT Form 12, "Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund Contract", ~~March 2020~~; August 2024

(d) KBMIRT Form 13, "Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund Promissory Note", March 2020; and

(e) KBMIRT Form 14, "Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund Request for Deferment", August 2020.

(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 a.m. 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.

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 implements the Kentucky Medical Imaging and Radiation Therapy and Continuing Education Fund and establishes the requirements relating to the program in accordance with KRS 311B.050.

(b) The necessity of this administrative regulation:

The Board of Medical Imaging and Radiation Therapy is authorized by KRS 311B.010 to 311B.190 to regulate licensees other than licensed practitioners of the healing arts, including but not limited to: the classification and licensure of medical imaging technologists, radiation therapists, radiologist assistants and limited x-ray machine operators; examinations; standards of education, experience, and continuing education; curricula standards for institutions teaching persons to perform medical imaging and radiation therapy procedures; issuance, renewal, and revocation of licenses; the establishment of a reasonable schedule of fees and charges to be paid by individuals for examinations, licenses and renewal licenses; and to set other standards as may be appropriate for the protection of health and safety. This administrative regulation establishes procedures for the Medical Imaging and Radiation Therapy Scholarship and Continuing Education Fund to promote medical imaging and radiation therapy entry-level education as well as the continued education of licensees; also promotes employment in the Commonwealth of Kentucky.

(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 regarding licensure and establishing scholarship and continued education funds.

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

This administrative regulation implements the Kentucky Medical Imaging and Radiation Therapy and Continuing Education Fund and establishes the requirements relating to the program in accordance with KRS 311B.050.

(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 provides the opportunity for scholarship recipients to apply for the renewal of their scholarship award, providing additional funding and by eliminating some barriers to re-award of the scholarship in the interest of a reduction in paperwork.

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

This amendment is necessary to provide additional funding to scholarship recipients for subsequent years if they reapply.

(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 scholarship funds and continued education.

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

This amendment will ensure clear understanding of requirements for the scholarship fund, and reapplication for scholarship funds in subsequent years.

(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:

No action is required. The amendment merely clarifies the scholarship fund recipients may apply for additional funds.

(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):

Applicants and licensees benefit by having the continuing education requirements clarified.

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

(a) Initially:

The Board will evaluate balance of restricted fund to determine what amount to earmark for scholarship fund.

(b) On a continuing basis:

The Board will evaluate balance of restricted fund to determine what amount to earmark for scholarship fund.

(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; the Board will evaluate restricted fund balance prior to designating funds to scholarship fund.

(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 increase in fees or funding is necessary to implement this amendment.

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

This amendment does not establish any fees or directly or indirectly increase fees.

(9) TIERING: Is tiering applied?

Tiering is not applied to this administrative regulation because the regulation applies similarly to similarly situated licensees and applicants.

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, 311B.130

(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.