

Significant Legislative Rule Analysis (SA)

WAC 246-926-020 Definitions

WAC 246-926-140 Approved Schools

WAC 246-926-150 Certification Designation

WAC 246-926-180 Parenteral Procedures

WAC 246-926-190 State examination/examination waiver/examination application deadline

WAC 246-926-990 Radiological technologists, X-ray technicians – certification and registration fees and renewal cycle

WAC 246-926-300 Radiologist assistant scope of practice

WAC 246-926-310 What are the requirements to be certified as a radiologist assistant?

WAC 246-926-320 Radiologist assistant – supervisory plans

Section 1. What is the scope of the rule?

These proposed rules implement a new profession, known as Radiologist Assistants (RA), created in this state by Substitute Senate Bill (SSB) 6439 (Chapter 246, Laws of 2008).

On a national level, through expanding population and advances in imaging modalities, the use of imaging technology is rising. The workload in radiology is exceeding the ability of radiologists to meet it. In addition, there is a shortage of radiologists; among the most difficult physician specialties to recruit. Hospitals and clinics providing radiology procedures have difficulty finding radiologists to fill unmet needs.

To fill this gap, in 2003 the American College of Radiology (ACR) endorsed the development of radiologist extenders. Through the efforts of the ACR, the American Society of Radiologic Technologists (ASRT), and the American Registry of Radiologic Technologists (ARRT), the RA profession was created.

The RA is an expansion of the role of the Radiologic Technologist (RT), who applies radiation for diagnostic purposes and introduces diagnostic contrast agents for imaging purposes. The RA performs advanced-level procedures that include, but are not limited to, injecting diagnostic agents to sites other than intravenous, performing diagnostic aspirations and localizations, and assisting radiologists with other invasive procedures.

The Department of Health is required to adopt rules to establish the new profession's scope of practice, education and examination requirements, and program fees.

Section 2. What are the general goals and specific objectives of the proposed rule's authorizing statute?

The general goal of Chapter 246, Laws of 2008 is to ensure the people of this state are protected by licensing only appropriately educated and trained Radiologist Assistants.

The statute’s objectives the rule implements are:

1. Establish criteria of acceptable education programs
2. Establish criteria for acceptable examination.
3. Establish acceptable practice standards

Section 3. What is the justification for the proposed rule package?

SSB 6439 requires the Department to create rules setting requirements for education and examination, and enforceable standards of practice. The proposed rules achieve the authorizing statute’s goals and objectives by setting criteria for education, examination, and standards of practice.

The Department of Health has assessed and determined that there are no feasible alternatives to rulemaking because standards for education, examination, and practice must be enforceable, and therefore must be in rule.

If these rules are not adopted, individuals could not be licensed as Radiologist Assistants because there would be no criteria for the Department of Health to base licensure.

Section 4. What are the costs and benefits of each rule included in the rules package? What is the total probable cost and total probable benefit of the rule package?

1. Identification of total number of rules in package and split between significant and non-significant rules

There are a total of 11 rules in this package: 6 non-significant and 5 significant.

2. Non-Significant Rule Identification Table

Table: Non-Significant Rule Identification

#	WAC Section	Section Title	Section Subject	Reason
1	WAC 246-926-020	Definitions	Definitions	Adds the new profession and corresponding supervision definitions. In addition, there are technical changes to add required introductory language, add a national entity, and to delete a redundant section now governed by the Uniform Disciplinary Act (UDA).
2	WAC 246-926-140	Approved Schools	Approved Schools	Identifies this regulation as applying to existing Radiologic Technologists.
3	WAC 246-926-150	Certification Designation	Certification Designation	Identifies this regulation as applying to existing Radiologic Technologists, plus one technical, housekeeping change.

4	WAC 246-926-180	Parenteral Procedures	Parenteral Procedures	Identifies this regulation as applying to existing Radiologic Technologists.
5	WAC 246-926-190	State examination/ examination waiver/ examination application deadline	Examination requirement	Identifies this regulation as applying to existing Radiologic Technologists, plus one technical, housekeeping change.
6	WAC 246-926-990	Fees	Fees	Adds the new profession and corresponding fees, plus one technical, housekeeping change. Note: The fee analysis (computation, justification, etc.) is completed separately.

3. Significant Rule Analysis

A. WAC 246-926-300 – Radiologist assistant scope of practice.

Rule Overview: This new section approves and recognizes the national standard scope of practice, which includes, but is not limited to, injecting diagnostic agents to sites other than intravenous, performing diagnostic aspirations and localizations, and assisting radiologists with other invasive procedures.

Rule Cost/Benefit Analysis – There is no cost associated with this section; it just states the Department’s decision to accept the national standard regarding scope of practice.

B. WAC 246-926-310 – Approved schools for radiologist assistants.

Rule Overview: This new section accepts those accredited RA education programs that meet the criteria established by the national organization, the American Registry of Radiologic Technologists (ARRT).

Rule Cost/Benefit Analysis – The average costs for an individual to attend such programs ranges from approximately \$10,000 to \$20,000 per year, depending on the school and whether the student is considered an in-state resident or not.

The requirement to attend an approved education program ensures individuals that want to enter the field will learn the necessary skills to be able to practice with reasonable skill and safety.

C. WAC 246-926-320 – National examination requirements for radiologist assistants.

Rule Overview: This new section establishes a requirement for applicants to take and pass the national radiologist assistant examination, required for licensure in this state.

Rule Cost/Benefit Analysis –The cost to sit for the ARRT Radiologist Assistant certifying examination is \$150. There are minimal travel costs as there are over 200 testing centers in the US and Canada, as well as more than 20 international testing centers; 4 test centers are located in this state.

The national organization, ARRT, has used its expertise in the imaging technology field to establish examination criteria. This examination requirement is necessary to ensure patient safety. Individuals must provide evidence of meeting national standards for knowledge, competence, and cognitive skills.

D. WAC 246-926-330 – Radiologist assistant – Supervisory plans.

Rule Overview: This new section outlines the process and criteria for RAs to practice with a board certified radiologist, which includes the requirement for RAs to submit a supervisory plan, signed by the RA and the radiologist. This section allows for RAs to enter into multiple supervisory plans, and outlines the process for making changes to those plans, if necessary.

The Department has determined the need to review supervisory plans to ensure:

1. qualified staff practice under safe oversight;
2. both practitioners (RA and radiologist) hold current state licenses;
3. the radiologist is board certified, as required by statute; and
4. neither practitioner (RA or radiologist) is subject to practice conditions due to any current disciplinary action.

Rule Cost/Benefit Analysis – The costs associated with this section are minimal and only reflect costs associated with the time needed to complete and submit the supervisory plans. A typical plan would take both an RA applying for a license, and his/her supervisor, approximately 20 minutes (1/3 of an hour) to complete. Based on wages reported by the US Department of Labor, Bureau of Labor Statistics, at an hourly wage of approximately \$37.06 for a Radiologist Assistant (Occupation Code 29-1199 “Health Diagnosis and Treatment Practitioner, All Other”) and \$87.29 for a radiologist (Occupation Code 29-1069 “Physician and Surgeon, All Other”), the total cost of completing the form would be \$41.43 (RA = \$12.35 and radiologist = \$29.08).

E. WAC 246-926-340 – Radiology practitioner assistants.

Rule Overview: This new section provides a way for individuals who partially meet the proposed rule requirements to be eligible to sit for the certification exam.

There are a number of individuals who completed an educational program through Weber State University that pre-dates the creation of the RA. These individuals have the title Radiology Practitioner Assistants (RPA) and formed their own certifying and examining organization called the Certification Board for Radiology Practitioner Assistants (CBPRA). Most of these individuals have been active on the national scene in the development of the RA profession, as well as in helping to establish minimum educational, training, examination, and practice standards. After the creation of the RA, the ARRT has created a specific time period for these individuals to receive their RA certification. Unless the rules contain language approving this

process, these individuals would not be able to take the exam and, if they pass, to be licensed in this state.

The cost to sit for the ARRT Radiologist Assistant certifying examination is \$150. There are minimal travel costs as there are over 200 testing centers in the US and Canada, as well as more than 20 international testing centers; 4 test centers are located in this state.

Rule Cost/Benefit Analysis – This examination requirement is necessary to ensure patient safety. Individuals must provide evidence of meeting national standards for knowledge, competence, and cognitive skills.

4. Rule Package Cost-Benefit Conclusion **Cost/Benefit summary**

As stated previously, hospitals and clinics that provide radiology procedures are having difficulty finding radiologists to fill unmet needs. These rules will establish a new profession that will help alleviate this shortage. Although the rule analysis has shown there are costs for individuals that elect to enter this profession, these costs are necessary to ensure that individuals practicing this profession are adequately educated and trained, and can demonstrate their knowledge, competence, and expertise by passing the national certification exam. Therefore, the benefits of these rules exceed the costs.

Section 5. What alternative versions of the rule did we consider? Is the proposed rule the least burdensome approach?

Descriptions of alternatives considered

Alternative version: The Department developed these proposed rules in a collaborative process with the Washington Society of Radiologic Technologists, radiologists, and Radiologist Assistants. The Department and these groups initially considered adopting state specific practice standards for RAs in Washington State. Ultimately, the group elected to propose the national standards, known as the American Registry of Radiologic Technologists (ARRT) Radiologist Assistant Role Delineation. The Department and these stakeholders concluded the national standards are sufficient to ensure applicants, which meet the national standards, have the needed skills to safely perform services within their scope of practice. The benefit of using the national standards is that applicants can receive their education from existing programs (i.e., schools do not have to develop individual curriculum for Washington state).

Least burdensome determination

The proposed rules are less burdensome than the alternative because in order to incorporate the Role Delineation, the Department is required to obtain copyright rights from the ARRT. In addition, any changes on the national level to allowable procedures would require a rule-making effort, which is a lengthy process. For the duration of that rule-making, licensees in this state could not practice the expanded national scope.

Section 6. Did you determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law?

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

Section 7. Did we determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless the difference is required in federal or state law?

The Department of Health determined that the rule does not impose more stringent performance requirements on private entities than on public entities.

Section 8. Did you determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, did we determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary?

The rule does not differ from any applicable federal regulation or statute.

Section 9. Did we demonstrate that the rule has been coordinated, to the maximum extent possible, with other federal, state, and local laws applicable to the same activity or subject matter?

There are no other applicable laws.