

CHAPTER 50-03-04 FLUOROSCOPY TECHNOLOGISTS

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50-03-04-01. Definitions.

As used in this chapter:

1. "Approved school for radiologic technologists" means a school that provides a course of instruction in radiologic technology which:
 - a. Has been found by the North Dakota board of medicine to be adequate to meet the purposes of this chapter; or
 - b. Has been approved by an accrediting body recognized by the North Dakota board of medicine for this purpose.
2. "Board" means the North Dakota board of medicine.
3. "Fluoroscopy" means a radiological examination utilizing fluorescence for the observation of the transient image.
4. "Fluoroscopy technologist" means a radiology technologist who has been granted a radiologic technologist fluoroscopy permit by the board.
5. "Immediately available supervision" means being physically available for consultation and supervision.
6. "Onsite supervising physician" means a North Dakota-licensed physician who provides supervision of the fluoroscopy technologist's activities outside the presence of the primary supervising physician.
7. "Primary supervising physician" means a North Dakota-licensed physician who:
 - a. Is certified by the American board of radiology, the American osteopathic board of radiology, or the royal college of physicians and surgeons of Canada;
 - b. Is approved by the board for this purpose; and

- c. Is contractually bound to provide primary supervision of fluoroscopy technologists as specified in this chapter.
- 8. "Radiologic technologist" means any person in good standing with the American registry of radiologic technologists making application of x-rays to human beings for diagnostic purposes.
- 9. "Supervision" means responsibility for, and control of, quality, radiation safety, and technical aspects of all x-ray examinations and procedures.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-02. Permit required.

A radiologic technologist fluoroscopy permit issued by the board shall be required of any radiologic technologist who independently and directly controls a fluoroscopy procedure.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-03. Initial requirements for permit.

To obtain a radiologic technologist fluoroscopy permit, an applicant must meet the following requirements:

- 1. Graduation from a radiologic technologist school approved by the board.
- 2. No less than five years' experience as a radiologic technologist.
- 3. A history free of any finding by the board of any act that would constitute grounds for disciplinary action under this chapter.
- 4. Successful completion of the following educational requirements:
 - a. Classroom instruction must include at least the following:

Subject	Hours of Instructions
(1) Fluoroscopy regulations and radiation safety	10
(2) Fluoroscopy equipment	5
(3) X-ray image intensifiers	4
(4) Television, including closed-circuit equipment	4
(5) Image recording and image recording equipment	6
(6) Special fluoroscopy equipment	5
(7) Mobile image-intensified units	2
(8) Anatomy and physiology of the eye	2
(9) Three-dimensional and radiologic anatomy	2

- (10) Radiation dosimetry 2
- (11) Quality assurance and quality control 2
- b. At least fifteen hours of laboratory in which each student shall conduct experiments on phantoms to illustrate at least the following:
 - (1) Methods of reducing dose to patients during fluoroscopy procedures;
 - (2) Methods of reducing exposure to self and personnel;
 - (3) Image recording during the exposure of a phantom; and
 - (4) Quality control of fluoroscopy equipment.
- 5. Completion of no less than seventy-five gastrointestinal fluoroscopy procedures under the direct supervision of the primary supervising physician.
- 6. Successful completion of board-approved examinations in:
 - a. Fluoroscopy radiation protection and safety; and
 - b. Use of fluoroscopy and ancillary equipment.
- 7. Current certification and registration with the American registry of radiologic technology.
- 8. Physical, mental, and professional capability to provide medical services in a safe and appropriate manner.
- 9. Payment of the initial licensure fee fixed by the board.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-04. Annual permit renewal.

Each fluoroscopy technologist who practices in North Dakota must annually submit a fluoroscopy permit renewal application. That application must be submitted on forms supplied by the board and must be accompanied by:

- 1. Evidence of the applicant's continued good standing with the American registry of radiologic technology;
- 2. The annual permit renewal fee;
- 3. Evidence of a contractual agreement with a primary supervising physician who meets the board's requirements; and
- 4. Evidence that the applicant has completed at least three hours of continuing education which has been approved by the American registry of radiologic technology and pertains specifically to fluoroscopy.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-05. Fees.

The fee for initial registration of a fluoroscopy technologist is fifty dollars. The annual renewal fee and the fee for approval of employment contract changes is fifty dollars.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-06. Scope of practice.

The provisions of this chapter notwithstanding, a fluoroscopy technologist may only perform the following fluoroscopic procedures in North Dakota:

1. Gastrointestinal fluoroscopy of the esophagus;
2. Stomach; and
3. Small and large intestine.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-07. Supervising physician.

A radiologic technologist may not provide fluoroscopy services except under the supervision of a primary supervising physician.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-08. Supervision contract requirements.

Upon undertaking the supervision of a fluoroscopy technologist as contemplated by this chapter, the primary supervising physician shall file with the board a copy of the contract establishing the supervisory relationship. That contract must be approved by the board. Upon effecting any significant change in this contract, or in the supervisory relationship, the primary supervising physician must immediately notify the board and the administrator of every facility where the fluoroscopy technologist is known to be providing services.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-09. Primary supervising physician's responsibility.

It is the responsibility of the primary supervising physician to direct and review the work, records, and practice of the fluoroscopy technologist on a daily, continuous basis to ensure that appropriate and safe treatment is rendered. The primary supervising physician must be available continuously for contact personally or by telephone or radio, and the supervision must include at least two hours per week of personal supervision. Such supervision may be provided onsite or by means of televideo and audio technology that permits the supervising physician to view the work being performed by the fluoroscopy technologist as it is occurring and to communicate with the technologist. A fluoroscopy technologist must be present at all times when fluoroscopic studies performed by the radiologic technologist are being interpreted by a supervising radiologist. All studies performed by a fluoroscopy technologist must be reviewed by a supervising radiologist. The primary supervising physician will

remain primarily responsible for the acts of the fluoroscopy technologist even when the fluoroscopy technologist is acting under the immediate supervision of an onsite supervising physician.

It is the responsibility of the primary supervising physician to evaluate and monitor fluoroscopy patient exposure to ionizing radiation to ensure that the cumulative absorbed dose is limited to the minimum amount necessary to achieve the clinical tasks. This includes requiring the use of equipment that aids in minimizing absorbed doses, the recording of "beam on" time in patient records for every fluoroscopy procedure, and the establishment of standard operating procedures and protocols for each specific type of procedures performed. Those protocols must address all aspects of each procedure and must be available for review by the board at all times.

It is the responsibility of the primary supervising physician to ensure that the fluoroscopy technologist does not perform any fluoroscopy procedure in any facility that has not developed a comprehensive fluoroscopic quality control program. That quality control program must be approved by the board before the fluoroscopy technologist performs fluoroscopy procedures at that facility.

History: Effective October 1, 1999; amended effective January 1, 2010.

General Authority: NDCC 43-17-07.1

Law Implemented: NDCC 43-17-02(11)

50-03-04-10. Onsite supervising physician required.

In circumstances in which a fluoroscopy technologist performs fluoroscopy procedures outside the presence of the fluoroscopy technologist's primary supervising physician, the fluoroscopy technologist must be supervised by an onsite supervising physician who is immediately available to the fluoroscopy technologist for consultation and supervision at all times when the fluoroscopy technologist is performing fluoroscopy procedures.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-11. Requirements to serve as an onsite supervising physician.

A physician, except those who meet the postgraduate training requirements required of a primary supervising physician, may not serve as an onsite supervising physician unless:

1. The primary supervising physician has first certified to the board that the physician has demonstrated a satisfactory understanding of radiation safety standards; and
2. The physician has certified to the board that:
 - a. The physician has read and understands all written materials recommended by the primary supervising physician.
 - b. The physician will be immediately available in the medical facility to provide advice regarding the appropriateness of specific examinations and to serve in a general advisory capacity to the fluoroscopy technologist.
 - c. The physician will be available for telephone consultation with the primary supervising physician.
 - d. The physician will immediately report any variance or aberration in the fluoroscopy technologist's performance to the primary supervising physician.

- e. The physician will ensure that the fluoroscopy technologist does not perform examinations on any patients who are pregnant or have had endoscopic biopsies within the past forty-eight hours.
- f. The physician will ensure proper use of lead-shielding devices by the fluoroscopy technologists.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-12. Designation of substitute primary supervising physician.

1. A supervising physician may not designate the fluoroscopy technologist to take over the physician's duties or cover the physician's practice. During any absence or temporary disability of a primary supervising physician, the primary supervising physician must designate a substitute primary supervising physician to assume all duties and responsibilities of the primary supervising physician. During this period, the fluoroscopy technologist will be responsible to the substitute primary supervising physician. The designation of a substitute primary supervising physician must be in writing and be signed by the primary supervising physician, the substitute primary supervising physician, and the radiologic technologist and must contain the following information:
 - a. The name of the substitute primary supervising physician.
 - b. The period during which the substitute primary supervising physician will assume the duties and responsibilities of the primary supervising physician.
 - c. Any substantive change in the radiologic technologist's duties and responsibilities.
 - d. Documentation satisfactory to the board indicating that the substitute primary supervising physician possesses the qualifications required of a primary supervising physician.
2. The appointment of a substitute primary supervising physician does not become effective unless it is first approved by the board. A primary supervising physician may designate as many as three substitute primary supervising physicians. However, the notification filed with the board must clearly specify which individual will be responsible as primary supervising physician at any given time.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-13. Number of technologists under physician's supervision limited.

A physician may not act as primary supervising physician for more than two fluoroscopy technologists currently qualified under this chapter, unless compelling reasons are presented to and approved by the board.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-14. Disciplinary action.

The board is authorized to take disciplinary action against a fluoroscopy technologist who has been granted a fluoroscopy permit by any one or more of the following means, as it may find appropriate:

1. Revocation of permit.
2. Suspension of permit.
3. Probation.
4. Imposition of stipulations, limitations, or conditions relating to the practice of fluoroscopy.
5. Reprimand.
6. Letter of concern.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-15. Grounds for disciplinary action.

Disciplinary action may be imposed against a fluoroscopy technologist upon any of the following grounds:

1. The use of any false, fraudulent, or forged statement or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice, in connection with any of the requirements for obtaining a fluoroscopy permit.
2. The conviction of any misdemeanor determined by the board to have a direct bearing upon a person's ability to serve the public as a practitioner of medicine or any felony.
3. Habitual use of alcohol or drugs.
4. Physical or mental disability materially affecting the ability to perform the duties of a technologist in a competent manner.
5. The performance of any dishonorable, unethical, or unprofessional conduct likely to deceive, defraud, or harm the public.
6. Obtaining any fee by fraud, deceit, or misrepresentation.
7. Aiding or abetting the practice of medicine by an unlicensed, incompetent, or impaired person.
8. The violation of any provision of a medical practice act or the rules of the board or any action, stipulation, condition, or agreement imposed by the board.
9. The representation to a patient that a manifestly incurable condition, sickness, disease, or injury can be cured.
10. The willful or negligent violation of the confidentiality between a medical provider and patient, except as required by law.
11. Gross negligence in the technologist's practice.
12. Sexual abuse, misconduct, or exploitation related to the technologist's practice.
13. A continued pattern of inappropriate care as a technologist.
14. The use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine.
15. The violation of any state or federal statute or regulation relating to controlled substances.

16. The failure to furnish the board or the board's investigative panels, or their investigators or representatives, information legally requested by the board or the board's investigative panels.
17. The failure to maintain current certification and registration with the American registry of radiologic technology.
18. Performing any fluoroscopic procedure outside the presence of a properly trained supervising physician.

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)

50-03-04-16. Communications.

All communications and reports concerning rules in this chapter and applications filed under them should be addressed to or be delivered in person to:

North Dakota Board of Medicine
418 East Broadway Avenue, Suite 12
Bismarck, ND 58501
Phone: 701-328-6500

History: Effective October 1, 1999.

General Authority: NDCC 43-17-13

Law Implemented: NDCC 43-17-02(11)