18CSR1

TITLE 18
LEGISLATIVE RULES
MEDICAL IMAGING TECHNOLOGISTS

SERIES 1
WEST VIRGINIA MEDICAL IMAGING AND
RADIATION THERAPY TECHNOLOGY BOARD OF EXAMINERS

§18-1-1. General provisions.

1.1. Scope. -- Except as otherwise specifically provided, this rule applies to all persons in West Virginia who perform medical imaging and radiation therapy to human beings for diagnostic or therapeutic purposes under the supervision of a licensed practitioner. This rule establishes the general requirements for licensure of Medical Imaging and Radiation Therapy Technologist in West Virginia.

1.2. Authority. -- W. Va. Code ~~§30-23-5~~ §30-23-6

1.3. Filing Date. – ~~March 29, 2024~~

1.4. Effective Date. – ~~April 1, 2024~~

1.5. Sunset Provision – This rule shall terminate and have no further force or effect on August 1, ~~2035~~ 2031.

§18-1-2. Definitions.

As used in this rule:

2.1. "Active duty" means when a member of the Armed Forces of the United States, the National Guard of this state or any other state, or any other military reserve component is deployed outside of this state, and for the following six months after discharge.

2.2. "Active license" means a current unexpired license.

2.3. "Active National Certification" means a professional credential obtained from the ARRT, NMTCM, ARMRIT or ASPMA that is currently valid and in compliance.

2.4. "ASPMA" means the American Society of Podiatric Medical Assistants.

2.5. "ARMRIT" means the American Registry of Magnetic Resonance Imaging Technologists.

2.6. "ARRT" means the American Registry of Radiologic Technologists.

2.7. "Category A Continuing Education" means courses or activities approved by a RECEEM that focus on maintaining and improving professional knowledge and skills.

~~2.3. "Expired license" means a license that has been expired less than or equal to 60 days.~~

2.8. "Inactive license" means a license that has been expired. ~~greater than 60 days.~~

2.9. "Initial licensure" means obtaining a license for the first time.

2.10. "Ionizing Radiation (X-Ray)" means any type of radiation which, during its interaction with matter, can cause the formation of an ion pair. This ionizing radiation is used to generate an exposure for diagnostic or therapeutic purposes.

2.11. "JRCERT" means the Joint Review Committee on Education in Radiologic Technology.

2.12. "JRCNMT" means the Joint Review Committee on Educational Programs in Nuclear Medicine Technology.

2.13. "Local labor market" means every county in West Virginia and any county outside of West Virginia if any portion of that county is within 50 miles of the border of West Virginia.

2.14. "Low-income individual" means an individual in the local labor market whose household adjusted gross income is below 130 percent of the federal poverty line. This term also includes any person enrolled in a public assistance program including, but not limited to, the Temporary Assistance for Needy Families Program (TANFP), Medicaid, or the Supplemental Nutrition Assistance Program (SNAP).

2.15. "Military families" means any person or the spouse of a person who serves as an active member of the Armed Forces of the United States, the National Guard, or a reserve component or who is an honorably discharged veteran of the forces. The term also includes surviving spouses of deceased service members who have not remarried.

2.16. "NMTCB" means the Nuclear Medicine Technology Board.

2.17 "RECEEM" means a Recognized Continuing Education Evaluation Mechanism that evaluates continuing education programs to ensure the courses meet high standards for maintaining and improving professional skills.

2.18. "Reciprocity" means the granting of a license to persons who hold a license or certificate in another state.

2.19. "Reinstatement" means the conversion of an inactive license status to an active license status.

2.20. "Temporary Permit" means a permit granted and issued by the Board for the practice of medical imaging which is limited in duration.

2.21. "Unethical conduct" means, but is not limited to:

2.21.a. Engaging in the practice of medical imaging or radiation therapy while in an intoxicated condition, and/or under the influence of narcotic or any other drugs which impair consciousness, judgement, or behavior;

2.21.b. Immoral conduct while engaged in the practice of medical imaging or radiation therapy technology or behavior indicating an unfitness to practice medical imaging or radiation therapy technology;

2.21.c. Willful falsification, destruction, or theft of property or records relating to the practice of medical imaging or radiation therapy technology;

2.21.d. Failure to exercise due regard for the safety of the life or health of the patient;

2.21.e. Unauthorized disclosure of information relating to a patient or his or her records;

2.21.f. Discrimination in the practice of medical imaging or radiation therapy technology against any person based on that person's membership in a protected class, according to applicable state and federal laws.

2.21.g. Violating the provisions of the Rules of the Board; or

2.21.h. The grounds enumerated in W. Va. Code § 30-23-24(a)(3).

§18-1-3. Board functions.

3.1. Duties and powers of the Board. -- The duties and powers of the Board are defined in W.Va. Code §30-23-1 *et seq*. It is the duty of the Board to carry out the provisions of the law to the best of its ability.

§18-1-4. Licenses, apprentice licenses and temporary permits.

4.1. Application for licenses, apprentice licenses, and temporary permits.

4.1.a. The Board shall provide application forms for licenses, apprentice licenses, or temporary permits, and any forms for submitting any other information the Board considers desirable.

4.1.b. The application forms shall be designed to provide the information necessary to satisfy the Board that all requirements pertaining to the West Virginia Code are being fulfilled.

4.1.b.1. The applicant must submit proof of completing approved credentialing examinations by submitting an active national certification from their national credentialing agency. National certification credentialing agencies consist of the following:

4.1.b.1.a. Members of the American Registry of Radiologic Technologists (ARRT) shall submit verification of their current certification status.

4.1.b.1.b. Members of the Nuclear Medicine Technology Board (NMTCB) shall submit verification of their current certification status.

4.1.b.1.c. Members of the American Registry of Magnetic Resonance Imaging Technologists (ARMRIT) shall submit verification of their current certification status.

4.1.b.1.d. Members of the American Society of Podiatric Medical Assistants (ASPMA) shall submit verification of their current certification status.

4.1.c. All applications shall be signed by the applicant, except when submitted on-line. An applicant who applies on-line is considered to have signed the application.

4.1.d. The application fee shall be paid by a credit card or other electronic means.

4.1.e. If an applicant fails to complete all forms and to provide all information within 30 days of submission of an application form, the Board shall reject and return the application to the applicant.

4.1.f. The Board shall deny a license to any person knowingly furnishing false information. If the applicant has already been licensed before the falsification of the information has been made known to the Board, the license, apprentice license, or temporary permit is subject to suspension or revocation. In addition, the Board may bring the falsification to the attention of the Attorney General or law enforcement officials pursuant to W.Va. Code §30-23-28.

4.1.g. The Board may not disqualify an applicant from initial licensure because of a prior criminal conviction unless that conviction bears a rational nexus to the practice of medical imaging and/or radiation therapy technology. In determining whether a criminal conviction bears a rational nexus to the practice of medical imaging and/or radiation therapy technology, the Board shall consider, at a minimum:

4.1.g.1. The nature and seriousness of the crime;

4.1.g.2. The passage of time since the commission of the crime;

4.1.g.3. The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities attendant to the practice of medical imaging and/or radiation therapy technology; and

4.1.g.4. Any evidence of rehabilitation or treatment undertaken by the applicant.

4.1.h. If an applicant has been denied licensure because of a prior criminal conviction, the Board shall permit the applicant to apply for initial licensure if:

4.1.h.1. A period of five years has elapsed from the date of conviction or the date of incarceration, whichever is later;

4.1.h.2. The individual has not been convicted of any other crime during the period following the disqualifying offense; and

4.1.h.3. The conviction was not for an offense of a violent or sexual nature.

4.1.i. An individual with a criminal record who has not previously applied for licensure may petition the Board at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license.

4.1.i.1. The petition shall be submitted on an application form prescribed by the Board and shall include sufficient details about the individual's criminal record to enable the Board to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction.

4.1.i.2. The applicant may submit with the petition evidence of rehabilitation, letters of reference and any other information the applicant deems relevant to show fitness and the ability to practice medical imaging.

4.1.i.3. The Board shall provide the determination within 60 days of receiving the petition and the applicable fee from the applicant.

4.1.i.4. The fee for an applicant petitioning for a licensure eligibility determination is specified in the Schedule of Fees, and upon acknowledgement of eligibility by the Board and receipt of the application for licensure, the eligibility fee shall be deducted from the applicant's initial licensure application fee.

4.2. Issuance of licenses, apprentice licenses, and temporary permits.

4.2.a. The Board shall issue to each eligible applicant a license, apprentice license, or a temporary permit within 30 days of receipt of a properly completed application and payment of the appropriate fee.

4.2.b. Licenses and apprentice licenses are valid for a period of one year and expire at the end of the month from the date of issuance.

4.2.c. An apprentice license, may be renewed no more than four times as stipulated in W. Va. Code §30-23-19 (b)

4.2.d. A licensed medical imaging technologist cross-training in Nuclear Medicine or Magnetic Resonance Imaging may renew his or her apprentice license as stipulated in W. Va. Code §30-23-19(c).

4.2.e. An active licensee shall renew his or her license annually without examination by completing the online renewal application and submitting the payment and required continuing education.

~~4.2.f. Pursuant to W. Va. Code §30-1B-1 *et seq.*, military families on active duty, as defined by this rule, may seek a waiver of continuing education requirements.~~

4.2.f. The Board may deny an application for renewal for any reason which would justify the denial of an original application for a license.

4.2.g. The Board shall assess a fee for reinstatement of an expired license.

4.2.h. An inactive licensee may reactivate his or her license without examination by completing the reinstatement application, providing proof of active national certification ~~and required continuing education,~~ and submitting payment of the reinstatement fee.

4.2.i. The Board shall only issue temporary permits to individuals who have completed an approved medical imaging program:

4.2.i.1. An applicant for a temporary permit shall present evidence of graduation from a Board approved medical imaging program. This evidence may be a diploma or transcript.

4.2.i.2. An applicant for a temporary permit may apply to the Board up to six months after graduation from a Board approved medical imaging program. After six months, the applicant must show proof of passage of a Board approved registration examination and apply for a permanent West Virginia license.

4.2.i.3. The Board shall issue the temporary permit based on the date of application and payment of the required fee. The temporary permit will expire at the end of the sixth month after the date of issuance. Temporary permits may not be renewed or extended.

~~4.3. Reciprocity.~~

~~4.3.a. The Board may consider reciprocity with other states on an individual basis.~~

~~4.3.b. The Board shall not honor a license issued to a person by another state in lieu of a license issued by the Board.~~

~~4.3.c. A licensee who violates laws regulating radiologic technologists in any other state while he or she is visiting or residing in another state shall be considered guilty of unethical conduct by the Board.~~

4.3. The provisions of West Virginia Code § 30-1-27, the Universal Professional and Occupational Licensing Act of 2025, are hereby incorporated by reference.

4.4. Responsibilities of licensees and permittees.

4.4.a. It is the responsibility of each licensee or permittee to be familiar with the requirements of the law regulating the practice of Medical Imaging and Radiation Therapy in West Virginia and with the rules of the Board.

4.4.b. It is the responsibility of each licensee or permittee to make timely application for a license, apprentice license, or renewal of license, to complete the forms properly, to submit the required Continuing Education documentation, to pay the fees required, and to hold himself or herself available for examination at the times and places designated by the Board. Any information or reminders which the Board may issue are courtesies and shall not diminish the responsibilities of the licensee or permittee.

4.4.c. A licensee or permittee shall notify the Board within 30 days of any change of his or her legal name, primary address, contact information, or place of employment.

4.5. Display of license or temporary permit.

Each licensee or permittee shall prominently display at his or her place of employment~~,~~ a current license, apprentice license, or temporary permit to practice medical imaging or radiation therapy technology or provide documentation of current licensure upon request.

~~4.6. Duplicate license.~~

~~4.6.a. In requesting a name change, the licensee shall submit the required application, and documentation, prior to issuance of a corrected license or permit.~~

~~4.6.b. When requesting a duplicate license or permit, a licensee shall submit the required application prior to issuance of a duplicate license or permit.~~

4.6. Schedule of fees for services rendered by the West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners.

4.6.a. Application Fee	$92.00
4.6.b. Annual Renewal Fee	$60.00
4.6.c. ~~All~~ Temporary Permits Fee	$37.00
4.6.d. Reinstatement Fee (delinquent)	$25.00
4.6.e. Return Check Fee	Maximum allowable by West Virginia State Code
4.6.f. ~~Reciprocity Fee~~ Universal Licensing Application Fee	~~$40.00~~ $92.00
~~4.6g. Board administered Exam Fee~~	~~$92.00~~
4.6.g. Petition for Initial Licensure Eligibility (pursuant to 4.1.i.)	$92.00

4.7. Presumptive penalties

4.7.a. The Board shall consider the following disciplinary sanctions as presumptive penalties to be imposed in all cases of ~~first-time~~ violations of the provisions of this section of this rule, unless extenuating circumstances require otherwise:

4.7.a.1. Person working without being issued a license	~~$920.00~~$100.00 per month
4.7.a.2. ~~Aiding and abetting a person working without being issued a license~~ Supervisor helping, allowing, or encouraging a person to work without a license	~~$920.00~~$150.00 per month
4.7.a.3. Technologist working on an expired license	~~$460.00~~$100.00 per month
~~4.8.a.4. Facility allowing technologist to work on an expired license~~	~~$460.00~~

4.8. Upon application for initial licensure and submission of a low-income or military family waiver request, in a format prescribed by the Board, the Board shall waive the initial licensure fees for:

4.8.a. Low-income individuals within the local labor market; and

4.8.b. Military families.

4.9. Pursuant to W. Va. Code §30-1B-1 *et seq.*, a licensee who qualifies for the military family waiver of initial licensure fee may request a waiver of all license renewal application fees, in a format prescribed by the Board, if the qualifying military member is on active duty.

§18-1-5. Educational Requirements for applicants for licensure.

5.1. Standards for an approved school shall follow the current standards as established by the JRCERT, JRCNMT, or standards determined programmatically equivalent by the Board.

5.2. Before any new school of Medical Imaging or Radiation Therapy Technology begins operation in West Virginia, it shall make application to the Board and submit a needs assessment survey. Upon approval of the school by the Board, the school shall then apply to the JRCERT, JRCNMT, or equivalent as determined by the Board, to begin the accreditation process.

5.3. All approved schools of Medical Imaging and Radiation Therapy Technology shall submit a copy of their Accreditation program annual report to the Board at the same time required by their accrediting body.

5.4. The Board may require additional program assessment data as considered necessary.

§18-1-6. Telehealth Practice.

6.1 Pursuant to W. Va. Code § 30-1-26, telehealth practice is inapplicable to the practice of a medical imaging and radiation therapy technologist.

§18-1-7. Continuing Education Requirements.

7.1. All medical imaging and radiation therapy technologists must submit proof of active national certification by their national credentialing agency. Proof of active national certification satisfies the Board's continuing education requirement of 24 category A continuing education credits completed within a 24-month period. National certification credentialing agencies consist of the following:

7.1.a. Members of the American Registry of Radiologic Technologists (ARRT) shall maintain and submit verification of their current certification status.

7.1.b. Members of the Nuclear Medicine Technology Board (NMTCB) shall maintain and submit verification of their current certification status.

7.1.c. Members of the American Registry of Magnetic Resonance Imaging Technologists (ARMRIT) shall maintain and submit verification of their current certification status.

7.1.d. Members of the American Society of Podiatric Medical Assistants (ASPMA) shall maintain and submit verification of their current certification status.

7.2. Active licensees without active national certification before July 1, 2026, shall submit 24 category A continuing education credits completed within the previous 24 months.

7.3. Active licensees who do not maintain active national certification after July 1, 2026, are not in compliance with the Board's continuing education requirements and may not renew their license until compliance is met.

7.4. Pursuant to W. Va. Code §30-1B-1 *et seq.*, military families on active duty, as defined by this rule, may seek a waiver of continuing education requirements.