

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 401
ACCREDITING PERSONS IN THE PRACTICE OF
MEDICAL RADIATION TECHNOLOGY

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AUTHORITY: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Adopted at 7 Ill. Reg. 17318, effective January 1, 1984; emergency amendment at 8 Ill. Reg. 17584, effective September 12, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2499, effective February 13, 1985; amended at 10 Ill. Reg. 13259, effective July 28, 1986;

amended at 10 Ill. Reg. 21086, effective January 1, 1987; amended at 11 Ill. Reg. 15623, effective September 11, 1987; emergency amendment at 11 Ill. Reg. 19797, effective November 24, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7603, effective April 18, 1988; amended at 12 Ill. Reg. 18164, effective January 1, 1989; amended at 13 Ill. Reg. 15005, effective September 11, 1989; amended at 14 Ill. Reg. 15341, effective September 4, 1990; amended at 15 Ill. Reg. 7054, effective April 29, 1991; amended at 16 Ill. Reg. 9115, effective June 2, 1992; amended at 20 Ill. Reg. 12595, effective September 6, 1996; amended at 21 Ill. Reg. 13587, effective September 25, 1997; amended at 23 Ill. Reg. 324, effective January 1, 1999; amended at 24 Ill. Reg. 18239, effective December 1, 2000; amended at 27 Ill. Reg. 3471, effective February 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 31 Ill. Reg. 11622, effective July 26, 2007; amended at 37 Ill. Reg. 14008, effective August 22, 2013; amended at 38 Ill. Reg. 16871, effective July 25, 2014; amended at 44 Ill. Reg. 2488, effective January 22, 2020.

Section 401.10 Policy and Scope

- a) This Part establishes educational standards and an accreditation program applicable to persons who apply ionizing radiation to human beings. Specifically, this Part provides:
 - 1) Minimum standards of preparatory education and experience for persons who apply ionizing radiation to human beings in the disciplines of medical radiography, nuclear medicine technology, radiation therapy technology and chiropractic radiography.
 - 2) Examination requirements for certain categories of accreditation.
 - 3) Continuing education requirements for renewal of accreditation.
- b) This Part shall apply to any person who applies ionizing radiation to human beings for diagnostic, therapeutic or human research purposes in this State or who otherwise engages in the practice of medical radiation technology in this State unless specifically exempted by the Act or under Section 401.30. This Part shall also apply to persons who are not appropriately licensed under other statutes or regulations and who supervise students for purposes of instructing them while applying ionizing radiation to human beings.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.20 Definitions

As used in this Part, the following definitions shall apply:

"Accreditation" – The process by which the Agency grants permission to persons meeting the requirements of the Act and the Agency's rules and regulations to engage in the practice of administering radiation to human beings. [420 ILCS 40/4]

"ACRRT" – American Chiropractic Registry of Radiologic Technologists, 52 W Colfax Street, Palatine, Illinois 60067-5048, Phone (847) 705-1178, website: www.acrrt.com.

"Act" – The Radiation Protection Act of 1990 [420 ILCS 40].

"Agency" – The Illinois Emergency Management Agency.

"Applies Ionizing Radiation" or "Administers Radiation" – The acts of using ionizing radiation for diagnostic or therapeutic purposes. Specifically included are those tasks that have a direct impact on the radiation burden of the patient, which if performed improperly would result in the re-administration of radiation.

"Approved Program" – A formal education program in the respective discipline of radiography, nuclear medicine technology or radiation therapy that is accredited by one or more of the following:

Joint Review Committee on Education in Radiologic Technology

Joint Review Committee on Educational Programs in Nuclear Medicine Technology

Regional Accrediting Agencies

Conjoint Accreditation Services of the Canadian Medical Association

Australian Institute of Radiography

Medical Radiation Practice Board of Australia

National faith related accrediting agencies

National accrediting agencies.

"ARRT" – The American Registry of Radiologic Technologists, 1255 Northland Drive, St. Paul MN 55120-1155, Phone (651) 687-0048, website: www.rrt.org.

"Authorized User" – A licensed practitioner who is identified as an authorized user on a license or equivalent permit issued by the Agency, Nuclear Regulatory Commission or Agreement State that is authorized to permit the medical use of radioactive material.

"Bone Densitometry" – The science and art of applying x-radiation to human beings for determination of site specific bone density.

"CBRPA" – Certification Board for Radiology Practitioner Assistants, P.O. Box 469, Plaistow NH 03865, Phone (603) 421-2020, website: www.cbrpa.org.

"Chiropractic Radiographer" – A person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the general supervision of a licensed chiropractor.

"Chiropractic Radiography" – The science and art of applying x-radiation to human beings for diagnostic purposes in Chiropractic.

"Continuing Education Activity" – A learning activity that is planned, organized and administered to enhance the professional knowledge and skills underlying professional performance that a technologist uses to provide services for patients, the public or the medical profession. In order to qualify as continuing education, the activity must be planned, be organized and provide sufficient depth and scope of a subject area.

"Continuing Education Credit" or "CE Credit" – Unit of measurement for continuing education activities. One continuing education credit is awarded for one contact hour (50 minutes). Activities longer than one hour are assigned whole or partial credits based on the 50-minute hour. Educational activities of 30-49 minutes of duration will be awarded one-half of one CE credit. Activities that last less than 30 minutes will receive no credit.

"CT" or "Computed Tomography" – The production of a tomogram by the acquisition and computer processing of x-ray transmission data.

"Director" – The Director of the Illinois Emergency Management Agency.

"Ionizing Radiation" – Gamma rays, and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared or ultraviolet light.

"In vitro" – Isolated from the living organism.

"In vivo" – Occurring within the living organism.

"Licensed Practitioner" – A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25], or the Podiatric Medical Practice Act of 1987 [225 ILCS 100], who may use radiation for therapeutic, diagnostic or other medical purposes within the limits of the individual's licensure.

"Limited Diagnostic Radiographer" – A person, other than a licensed practitioner, who, while under the general supervision of a licensed practitioner, applies x-radiation for diagnostic purposes. Radiographic procedures are limited to one or more of the following anatomical regions: chest, extremities, skull/sinus or spine. However, a limited diagnostic radiographer may not perform any radiographic exam for a portable x-ray service provider.

AGENCY NOTE: Specific radiographic examinations appropriate to each type of limited radiography accreditation may be found in Appendix A.

"Medical Radiation Technology" – The science and art of performing medical radiation procedures involving the application of ionizing radiation to human beings for diagnostic and therapeutic purposes.

"Medical Radiographer" – A person, other than a licensed practitioner, who, while under general supervision of a licensed practitioner, applies x-radiation to any part of the human body and who, in conjunction with radiation studies, may administer contrast agents and related drugs for diagnostic purposes.

"Medical Radiography" – The science and art of applying x-radiation to human beings for diagnostic purposes.

"NMTCB" – Nuclear Medicine Technology Certification Board, 3558 Habersham At Northlake, Building I, Tucker GA 30084-4009, Phone (404) 315-1739, website: www.nmtcb.org.

"Nuclear Medicine Advanced Associate" – A person, other than a licensed practitioner, who, as a nuclear medicine technologist with advanced training and certifications, performs a variety of activities under the direct, general or personal supervision of a licensed practitioner, who is also an authorized user of radioactive materials, in the areas of patient care, patient management, clinical

imagine and invasive or therapeutic procedures. A Nuclear Medicine Advanced Associate may not make diagnoses or prescribe medications or therapies.

"Nuclear Medicine Technologist" – A person, other than a licensed practitioner, who administers radiopharmaceuticals and related drugs to human beings for diagnostic purposes, performs in vivo and in vitro detection and measurement of radioactivity and administers radiopharmaceuticals to human beings for therapeutic purposes. A nuclear medicine technologist may perform such procedures only while under the general supervision of a licensed practitioner who is licensed to possess and use radioactive materials.

"Nuclear Medicine Technology" – The science and art of in vivo and in vitro detection and measurement of radioactivity and the administration of radiopharmaceuticals to human beings for diagnostic and therapeutic purposes.

"PET" or "Positron Emission Tomography" – A nuclear medicine imaging technique that produces a three-dimensional image of functional processes in the body by detecting pairs of gamma rays emitted indirectly by a positron-emitting radionuclide.

"Portable X-Ray Service Provider" – A registrant who, under a physician's authorization, provides diagnostic x-ray procedures with hand-held or mobile radiographic equipment in a patient's place of residence.

"Radiation Therapist" – A person, other than a licensed practitioner, who performs procedures and applies ionizing radiation emitted from x-ray machines, particle accelerators, or sealed radioactive sources to human beings for therapeutic purposes while under the general supervision of a licensed practitioner who is licensed, as required, to possess and use radioactive materials.

"Radiation Therapy Technology" – The science and art of applying ionizing radiation emitted from x-ray machines, particle accelerators and sealed radioactive sources to human beings for therapeutic purposes.

"Radiologist Assistant" – A person, other than a licensed practitioner, who, as a medical radiographer with advanced-level training and certification, performs a variety of activities under the direct, general or personal supervision of a radiologist, certified by the American Board of Radiology or the American Osteopathic Board of Radiology, in the areas of patient care, patient management, clinical imaging and interventional procedures. The Radiologist Assistant may not interpret images, make diagnoses or prescribe medications or therapies.

"Recognized Continuing Education Evaluation Mechanism" or "RCEEM" – A mechanism for evaluating the content, quality and integrity of an educational activity. The evaluation shall include a review of educational objectives, content selection, faculty qualifications, and educational methods and materials. Among the requirements for qualification as an RCEEM, an organization shall be national in scope, non-profit, radiology based and willing to evaluate the CE activity developed by any technologist within a given discipline. Organizations with current RCEEM status may be found at <https://www.arrt.org/partners/rceems>.

"SPECT" or "Single Photon Emission Computed Tomography" – A nuclear medicine tomographic imaging technique using gamma rays.

"Supervision" – Responsibility for, and control of, quality, radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes. For purposes of this Part, supervision shall consist of one of the following:

Personal – The required individual must be in attendance in the room during the performance of the procedure.

Direct – The required individual must be present in at least an adjacent area and immediately available to furnish assistance and direction throughout the performance of the procedure.

General – The procedure is furnished under the overall direction and control of a licensed practitioner whose presence is not required during the performance of the procedure.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.30 Exemptions

- a) Nothing in the Act or this Part shall be construed to limit or affect in any respect, the practice of persons properly licensed under other statutes or regulations with respect to their professions.
- b) The Agency shall, upon application therefor or upon its own initiative, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety.
- c) Exemptions shall include:

- 1) A student enrolled in an approved program applicable to his/her profession who, as a part of his/her course of study, applies ionizing radiation to human beings while under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation.
- 2) A person registered with the Agency as a student-in-training in limited diagnostic radiography pursuant to Section 401.90 who, as a student, applies ionizing radiation to human beings while under the personal supervision of a licensed practitioner or an accredited medical, chiropractic, or appropriately qualified limited diagnostic radiographer. The procedures performed shall be limited to the procedures listed in Appendix A and applicable to the particular status condition of limited diagnostic radiography for which the student is registered. This exemption shall only apply to individuals who are registered with the Agency and shall only apply for 16 months.
- 3) A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987, the Illinois Dental Practice Act, or the Podiatric Medical Practice Act of 1987.
- 4) A person employed as a dental assistant who performs dental radiography for a licensed dentist.
- 5) A technician, nurse or other assistant who performs radiography under the general supervision of a person licensed under the Podiatric Medical Practice Act of 1987.
- 6) A person who holds Conditional Accreditation Type II issued in accordance with Section 401.100(a) during such time as that person is under the personal supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation for purposes of being instructed in the use of equipment and/or procedures other than those for which the person is currently accredited. This exemption is specific to the facility at which the accreditation is valid.
- 7) A nurse, technician, or other assistant who, under the general supervision of a person licensed under the Medical Practice Act of 1987, administers radiation to human beings, but only when such administration is performed on employees of a business at a medical facility owned and operated by that business.
- 8) A nurse, technician, or other assistant who, under the general supervision

of a person licensed under the Medical Practice Act of 1987, performs bone densitometry.

- 9) An accredited nuclear medicine technologist who performs CT radiographic exams as part of a PET/CT or SPECT/CT combination exam.
- 10) An accredited nuclear medicine technologist or radiation therapist who, certified in CT by the ARRT or NMTCB, performs CT radiographic exams.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.40 Application for Accreditation (Repealed)

(Source: Repealed at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.50 Categories of Accreditation

The Agency shall accredit persons in the practice of Medical Radiation Technology in one or more of these specific categories:

- a) Medical Radiography;
- b) Nuclear Medicine Technology;
- c) Radiation Therapy Technology;
- d) Chiropractic Radiography;
- e) Limited Diagnostic Radiography;
- f) Radiologist Assistant; and
- g) Nuclear Medicine Advanced Associate.

(Source: Amended at 37 Ill. Reg. 14008, effective August 22, 2013)

Section 401.60 Examination Requirements (Repealed)

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.70 Examination Requirements

- a) Persons who seek active or limited accreditation in medical radiation technology shall pass the appropriate examination as specified in subsection (b).
- b) Examinations appropriate to category of accreditation are as follows:
 - 1) Medical Radiography
The American Registry of Radiologic Technologists (R) (ARRT)
 - 2) Nuclear Medicine Technology
 - A) The American Registry of Radiologic Technologists (N) (ARRT)
 - B) The Nuclear Medicine Technology Certification Board (NMTCB)
 - 3) Radiation Therapy Technology
The American Registry of Radiologic Technologists (T) (ARRT)
 - 4) Chiropractic Radiography
American Chiropractic Registry of Radiologic Technologists (ACRRT),
provided that the examination was administered after June 30, 1984
 - 5) Radiologist Assistant
 - A) The American Registry of Radiologic Technologists (RRA)
(ARRT)
 - B) Certification Board for Radiology Practitioner Assistants (RPA)
(CBRPA)
 - 6) Nuclear Medicine Advanced Associate
The Nuclear Medicine Technologist Certification Board (NMAA)
(NMTCB)
 - 7) Limited Diagnostic Radiography
The American Registry of Radiologic Technologists (ARRT) Examination
for the Limited Scope of Practice in Radiography

- A) The exam will cover general radiography topics and, depending on the type of limited radiography sought, specific questions related to radiography of the chest, extremities, skull/sinus or spine.
- B) Applicants shall follow all rules established by ARRT for the examination, including ARRT's right to bar applicants from the exam for misconduct or irregular behavior.
- C) All exams shall be scheduled through the Agency.
- D) The passing score shall be 65 percent for any combination of sections of the exam.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.80 Approved Program (Repealed)

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.90 Student-in-Training in Limited Diagnostic Radiography

- a) A Student-in-Training in Limited Diagnostic Radiography shall be registered with the Agency on forms provided by the Agency.
- b) A Student-in-Training in Limited Diagnostic Radiography shall not begin application of ionizing radiation to humans prior to the Agency's approval of the student's proposed training as identified through the Student-in-Training registration process.
- c) A Student-in-Training in Limited Diagnostic Radiography may only perform those procedures listed in Appendix A that are applicable to the particular type of limited diagnostic radiography for which the student is registered, but only while under the personal supervision of a licensed practitioner or an accredited medical, chiropractic, or appropriately qualified limited diagnostic radiographer.
- d) Students shall register for the examination to become accredited on a form prescribed by the Agency and shall pay the fee in accordance with Section 401.130(b).
- e) Students shall not perform radiographic procedures beyond the 16 month registration period.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.100 Application and Issuance of Accreditation

- a) Any person applying to the Agency for initial accreditation or renewal of accreditation shall submit the appropriate application and pay the appropriate application fee in accordance with Section 401.130.
- b) The Agency shall issue and recognize the following types of accreditation:
 - 1) Active Status Accreditation for persons who have passed an examination as indicated in Section 401.70(b).
 - A) A Radiologist Assistant shall also submit a letter of agreement/delegation from a radiologist certified by the American Board of Radiology or the American Osteopathic Board of Radiology. An example letter may be found in Appendix D.
 - B) A Nuclear Medicine Advanced Associate shall also submit a letter of agreement/delegation from a licensed practitioner who is also an authorized user. An example letter may be found in Appendix E.
 - 2) Temporary accreditation for persons who have completed an approved program in medical radiography, nuclear medicine technology or radiation therapy technology and are eligible for the examination specified in Section 401.70(b). Temporary Accreditation shall convey the same rights as the Active Status Accreditation for which the individual is awaiting examination.
 - 3) Conditional Accreditation Type I for persons in a category of medical radiation technology upon determining that community hardship exists. When making a determination of the existence of community hardship, the Agency will consult with State, county or local health departments and will evaluate the availability of alternative radiology services and trained personnel.
 - 4) Conditional Accreditation Type II. The Agency will not issue Conditional Accreditation Type II after September 7, 1990. However, Conditional Accreditation Type II issued on or before September 7, 1990, is renewable in accordance with Section 401.140.
 - 5) Limited Diagnostic Radiography Accreditation for persons who have

passed examinations as indicated in Section 401.70(b)(7).

- c) All persons who have received accreditation from the Agency shall notify the Agency of any permanent or temporary change in their designated mailing address and of any change in name within 30 days after that change. Failure of the accredited individual to notify the Agency of any change shall not be considered a valid cause for delaying any subsequent administrative proceeding involving the particular accredited individual nor excuse the accredited individual from complying with any other legal obligations from the laws and rules administered by the Agency.
- d) The duration of issuance of Active Status, Temporary, Conditional Type I, Conditional Type II or Limited Diagnostic Radiography Accreditation shall be 2 years. Temporary accreditation is nonrenewable.
- e) The expiration date of a renewed accreditation that has been renewed on or before the expiration of the previous accreditation shall be 2 years from the expiration date of the previous accreditation. For renewal of accreditation that has lapsed, the expiration shall be 2 years from the last day of the month in which the application for renewal is processed.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.110 Duration of Accreditation (Repealed)

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.120 Suspension, Revocation and Denial of Accreditation

- a) The Agency may act to suspend or revoke an individual's accreditation, or refuse to issue or renew accreditation, for any one or a combination of the following causes:
 - 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial accreditation or renewal of accreditation if such misstatement or misrepresentation would impair the Agency's ability to assess and evaluate the applicant's qualifications for accreditation under this Part;
 - 2) Knowingly making a false material statement to an Agency employee during the course of official Agency business;

- 3) Willfully evading the statute or regulations pertaining to accreditation, or willfully aiding another person in evading the statute or regulations pertaining to accreditation;
- 4) Performing procedures under or representing as valid to any person either a certificate of accreditation not issued by the Agency, or a certificate of accreditation containing on its face unauthorized alterations or changes that are inconsistent with Agency records regarding the issuance of that certificate;
- 5) Having been convicted of a crime that is a felony under the laws of this State or conviction of a felony in a federal court, unless the individual demonstrates to the Agency that he/she has been sufficiently rehabilitated to warrant the public trust (see subsection (b));
- 6) Exhibiting significant or repeated incompetence in the performance of professional duties;
- 7) Having a physical or mental illness or disability that results in the individual's inability to perform professional duties with reasonable judgment, skill and safety;
- 8) Continuing to practice medical radiation technology when knowingly having a potentially serious disease, such as those listed in 77 Ill. Adm. Code 690.100, which could be transmitted to patients;
- 9) Having an actual or potential inability to practice radiologic technology with reasonable skill and safety on patients or other individuals due to use of alcohol, narcotics or stimulants;
- 10) Having had a similar credential by another state or the District of Columbia suspended or revoked if the grounds for that suspension or revocation are the same as or equivalent to one or more grounds for suspension or revocation set forth in this Section;
- 11) Failing to meet child support orders as provided in 5 ILCS 100/10-65. The action will be based solely upon the certification of delinquency made by the Department of Healthcare and Family Services, Division of Child Support Enforcement, or its successor agency, or the certification of violation made by the court. Further process, hearing or redetermination of the delinquency or violation by the Agency shall not be required (see 5 ILCS 100/10-65(c));

- 12) Failing to pay a fee or civil penalty properly assessed by the Agency;
 - 13) Failing to respond to an audit request by the Agency for documentation of continuing education;
 - 14) Applying ionizing radiation to a human being when not operating in each particular case under the direction of a duly licensed practitioner or to any person or part of the human body other than specified in the law under which the practitioner is licensed;
 - 15) Interpreting a diagnostic image for a physician, a patient, the patient's family or the public;
 - 16) Performing in a way that deviates from accepted professional conduct; and
 - 17) Engaging in conduct with a patient or another individual that is sexual, in any verbal behavior that is sexually demeaning to a patient, or in sexual exploitation of a patient or former patient. This applies to any unwanted sexual behavior, verbal or otherwise.
- b) Applicant Convictions
- 1) The Agency shall not consider the following criminal history records in connection with an application for accreditation:
 - A) Juvenile adjudications of delinquent minors as defined in Section 5-105 of the Juvenile Court Act of 1987, subject to the restrictions set forth in Section 5-130 of the Juvenile Court Act of 1987 [705 ILCS 405];
 - B) Law enforcement records, court records, and conviction records of an individual who was 17 years old at the time of the offense and before January 1, 2014, unless the nature of the offense required the individual to be tried as an adult;
 - C) Records of arrest not followed by a conviction;
 - D) Convictions overturned by a higher court; or
 - E) Convictions or arrests that have been sealed or expunged.

- 2) The Agency, upon a finding that an applicant for accreditation was convicted of a felony, shall consider any evidence of rehabilitation and mitigating factors contained in the applicant's record, including any of the following factors and evidence, to determine if the conviction will impair the ability of the applicant to engage in the position for which accreditation is sought:
 - A) The lack of direct relation of the offense for which the applicant was previously convicted to the duties, functions and responsibilities of the position for which a license is sought;
 - B) Whether 5 years since a felony conviction, or 3 years since release from confinement for the conviction, whichever is later, have passed without a subsequent conviction;
 - C) If the applicant was previously licensed or employed in this State or other states or jurisdictions, then the lack of prior misconduct arising from or related to the licensed position or position of employment;
 - D) The age of the person at the time of the criminal offense;
 - E) Successful completion of sentence and, for applicants serving a term of parole or probation, a progress report provided by the applicant's probation or parole officer that documents the applicant's compliance with conditions of supervision;
 - F) Evidence of the applicant's present fitness and professional character;
 - G) Evidence of rehabilitation or rehabilitative effort during or after incarceration, or during or after a term of supervision, including, but not limited to, a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections or a certificate of relief from disabilities under Section 5-5.5-10 of the Unified Code of Corrections; and
 - H) Any other mitigating factors that contribute to the person's potential and current ability to perform the duties and responsibilities of the position for which accreditation is sought.
- 3) If the Agency refuses to issue accreditation to an applicant, then the

Agency shall notify the applicant of the denial in writing, with the following included in the notice of denial:

- A) A statement about the decision to refuse to grant the accreditation;
 - B) A list of the convictions that the Agency determined will impair the applicant's ability to engage in the position for which accreditation is sought;
 - C) A list of convictions that formed the sole or partial basis for the refusal to issue accreditation; and
 - D) A summary of the appeal process or the earliest the applicant may reapply for accreditation, whichever is applicable.
- c) If, based upon any of the grounds in subsection (a), the Agency determines that action to suspend or revoke accreditation, or refusal to issue or renew accreditation, is warranted, the Agency shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200. An opportunity for a hearing shall be provided before the Agency takes action to suspend or revoke an individual's accreditation unless the Agency finds that an immediate suspension of accreditation is required to protect against immediate danger to the public health or safety (see 420 ILCS 40/38), in which case the Agency shall suspend an individual's accreditation pending a hearing.
- d) If the Agency finds that removal or refusal to issue or renew accreditation is warranted, the usual action shall be a suspension or denial of accreditation for up to one year. The term of suspension or denial may be reduced by the Director, based upon evidence presented, if the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. In the case of frequent child support arrearages, the Agency may also impose conditions, restrictions or disciplinary action upon the accreditation. However, if the Agency finds that the causes are of a serious or continuous nature, such as past actions that posed an immediate threat to public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Agency shall revoke the individual's accreditation or deny the application.
- e) When an individual's accreditation is suspended or revoked, the individual shall surrender his/her credential to the Agency until the termination of the suspension period or until reissuance of the accreditation.
- f) An individual whose accreditation has been revoked may seek reinstatement of

accreditation by submitting to the Agency an application with the appropriate fee. The application may be filed one year or more after the beginning of the revocation period.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.130 Fees

- a) The fees for initial or renewal of accreditation in all categories – Active, Conditional, Temporary or Limited Status shall be \$120 per application.
- b) The examination fee for Limited Diagnostic Radiography Accreditation shall be \$140 for the categories of Chest, Extremities, Spine, Skull and Sinuses, or any combination thereof. The fee amount is set by ARRT to cover the costs of providing the examination. The required fee shall be paid by:
 - 1) Cashier's check or money order made payable to ARRT (personal and business checks will not be accepted). The Agency will submit the payment to ARRT; or
 - 2) Credit card. Instructions for paying by credit card will be provided by the Agency upon receipt of the application. Failure to pay after instructions are provided will delay scheduling of the examination.
- c) The appropriate fees are to accompany the application when filing with the Agency, except as provided in subsection (b)(2). All fees under this Section are nonrefundable and nontransferable. An application is filed on the date that it is received and stamped by the Agency.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.140 Renewal of Accreditation

- a) Prerequisites
 - 1) An individual shall make application for renewal of accreditation on or before the expiration date of the accreditation. Accreditation shall lapse if not renewed within this time period and an individual may not legally perform medical radiation technology without valid accreditation, or without the expressed approval of the Agency during the time an application is pending. The approval shall be limited to the applicant who meets all requirements for accreditation and requires additional time for

the filing of continuing education records, or is undergoing an Agency audit of continuing education records.

- 2) Each applicant shall submit a complete and legible application with the fee for renewal of accreditation in accordance with Section 401.130. Submission of a complete application for renewal on or before the expiration date of the accreditation shall hold the prior accreditation valid until the Agency acts to grant or deny renewal of accreditation. The Agency will grant or deny renewal of accreditation within 90 days after receipt of application for renewal or the expiration date of the current accreditation, whichever is later.
 - 3) For those individuals who have Conditional Accreditation Type II that was issued on or before September 7, 1990, issuance of the renewal is contingent upon submission of a written Statement of Assurance that the individual is competent to apply ionizing radiation to human beings. The Statement of Assurance submitted to the Agency shall specify the nature of the equipment and procedures the individual is competent to utilize. The Statement of Assurance shall be on file or a new Statement shall be provided by a licensed practitioner under whose general supervision the individual is employed or has been employed. Conditional accreditation issued pursuant to this Section shall be specific to the procedures and equipment indicated in the Statement of Assurance. Renewal shall be for a two-year period.
- b) Continuing Education Requirements
- All applicants for renewal of accreditation shall have participated in an approved program that includes the amount of continuing education as indicated in subsection (b)(1):
- 1) The required effort in continuing education credits for each category of medical radiation technology is as follows:
 - A) Medical Radiology 24 CE credits
 - B) Nuclear Medicine Technology 24 CE credits
 - C) Radiation Therapy Technology 24 CE credits
 - D) Chiropractic Radiology 24 CE credits
 - E) Limited Diagnostic Radiography 12 CE credits

- F) Radiologist Assistant 50 CE credits
- G) Nuclear Medicine Advanced Associate 48 CE credits

2) The options for meeting the CE requirements are:

- A) A continuing education activity approved by the Agency. Relevant CE activities will be approved if submitted 30 days in advance, with appropriate documentation consisting of:
 - i) The Agency's CE approved request form;
 - ii) Course Outline;
 - iii) Course Objectives; and
 - iv) Instructor's curriculum vitae.
- B) Category A Activities – A continuing education activity that meets one of the following criteria:
 - i) Activities approved by an RCEEM.
 - ii) Approved academic courses offered by a post-secondary educational institution that are relevant to the radiologic sciences and/or patient care. Courses in the biologic sciences, physical sciences, communication (verbal and written), mathematics, computers, management or education methodology are considered relevant. Credit will be awarded at the rate of 12 CE credits for each academic quarter or 16 CE credits for each academic semester credit.
 - iii) Advanced Life Support, or Instructor or Instructor Trainer CPR certification through the Heart Association or the Red Cross will be awarded 6 CE credits.

AGENCY NOTE: Illinois is currently approved as meeting ARRT CE criteria. As such, technologists accredited by the Agency may count all Agency approved CE activities as Category A.

3) Individual courses may be applicable to more than one category of

accreditation.

- 4) All technologists accredited by the Agency are required to maintain proof of participation in CE activities. This proof may be in the form of a certificate or an itemized list from an ARRT approved record keeping mechanism. All documentation shall include:
 - A) Name of participant;
 - B) Dates of attendance;
 - C) Title and content of the activity;
 - D) Number of contact hours for the activity;
 - E) Name of the sponsor;
 - F) Signature of the instructor or an authorized representative of the sponsor issuing the documentation; and
 - G) A reference number if the activity has been approved by an RCEEM or the Agency.
 - 5) Technologists seeking renewal will be required to attest that they have acquired the required number of CE credits. Within 30 days after receipt of this attestation, the Agency may perform an audit in which the individual will be asked to provide copies of documentation of CE. Failure to respond to the Agency's audit request and/or failure to provide acceptable documentation may result in a refusal to renew accreditation as provided in Section 401.120(a)(13).
 - 6) Technologists who are registered with ARRT, NMTCB, or CBRPA and who are in compliance with CE requirements or on CE probation at the time of renewal with the Agency will be considered in compliance with the CE requirements of this Part.
- c) Nonrenewal of Accreditation
- 1) The Agency shall not renew an individual's accreditation if he/she fails to present satisfactory evidence that he/she possesses the necessary qualifications for accreditation, and that he/she has participated in an approved continuing education program in accordance with this Part.

- 2) If the Agency does not find satisfactory evidence that the individual meets these requirements, the Agency shall, within 90 days after receipt of the application for renewal of accreditation or the expiration date of the current accreditation, whichever is later, send the individual a Notice of Intent Not to Renew Accreditation. This notice shall include the areas of deficiency and the individual's rights as set forth in this Section.
- 3) The individual, at any time while an application is pending, may submit additional information to the Agency in order to establish that the identified areas of deficiency have been met or corrected.
- 4) If the applicant does not provide additional information to the Agency within the time frame specified in the Notice of Intent Not to Renew Accreditation, the Agency shall issue a Notice of Accreditation Denied.
- 5) An individual's current credential shall be invalid as of the date of his/her receipt of a Notice of Accreditation Denied pursuant to subsection (c)(4). After the Agency has sent the Notice of Accreditation Denied, the individual may request a hearing within 30 days in accordance with 32 Ill. Adm. Code 200.70.
- 6) If an individual's accreditation is not renewed, he/she shall have the right at any time to submit an application for renewal of accreditation. The application shall be reviewed and processed in accordance with the requirements of this Section, except that an individual may not legally apply ionizing radiation to human beings until and unless the Agency has acted to grant the application for renewal of accreditation.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.150 Reciprocity (Repealed)

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.160 Additional Requirements for Radiographers Performing Mammography (Repealed)

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.170 Civil Penalties

- a) The Agency shall assess civil penalties, in accordance with subsections (c) and (d), against any person who performs, and against the operator of the radiation installation where a person performs, medical radiation procedures without valid accreditation, unless the person performing the medical radiation procedures is specifically exempt from the accreditation requirements as specified in Section 401.30.
- b) Prior to assessing civil penalties, the Agency shall confirm the violation of the accreditation requirements by:
 - 1) Observation of the violation;
 - 2) Obtaining records, documents or other physical evidence;
 - 3) Obtaining statements from either the employer or the employee that confirm the existence of the violation; or
 - 4) Obtaining statements from third parties, e.g., patients or co-workers, that corroborate the allegation that a violation has occurred.
- c) Civil penalties shall be assessed against persons who perform medical radiation procedures without valid accreditation as follows:
 - 1) First violation by an individual who is fully qualified for accreditation but has failed to apply for initial, or renewal of, accreditation at the time the violation is discovered:

A)	In violation 30 days or less	\$100
B)	In violation 31 through 90 days	\$150
C)	In violation greater than 90 days	\$250
 - 2) First violation by a person who is not qualified for accreditation at the time the violation is discovered is \$500.
 - 3) Second and subsequent violations by an individual, whether qualified or not, shall be assessed civil penalties using the factors set out in 32 Ill. Adm. Code 310.81(c). The Agency may assess a civil penalty not to exceed \$10,000 per violation for each day the violation continues.
 - 4) Any violation involving presentation of falsified accreditation certificates

or any other documents used to meet accreditation qualifications may be assessed civil penalties using the factors set out in 32 Ill. Adm. Code 310.81(c). The Agency may assess a civil penalty not to exceed \$10,000 per violation for each day the violation continues.

- d) Civil penalties shall be assessed against the operators of a radiation installation where an individual performs medical radiation procedures without valid accreditation as follows:
 - 1) First violation by an operator shall be double the fine assessed against the individual performing radiography without accreditation.
 - 2) Second and subsequent violations by an operator shall be assessed a civil penalty using the factors set out in 32 Ill. Adm. Code 310.81(c). The Agency may assess a civil penalty not to exceed \$10,000 per violation for each day the violation continues.
- e) The Agency may commence administrative proceedings for the assessment and collection of civil penalties by sending a Notice of Violation. The Notice shall give the individual/operator of a radiation installation an opportunity to pay the penalty without further action from the Agency.
- f) Failure of an individual/operator of a radiation installation to abate an accreditation violation or to pay the civil penalty as directed shall cause the Agency to issue a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.60.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

Section 401.APPENDIX A Limited Diagnostic Radiography Procedures by Type of Limited Accreditation

- a) Limited Diagnostic Radiography – Chest
 - Chest: Routine P.A. and Lateral
 - Chest: Lateral Decubitus, Apical Lordotic, Obliques
 - Ribs

- b) Limited Diagnostic Radiography – Extremities
 - Fingers
 - Hand
 - Wrist
 - Forearm
 - Elbow
 - Humerus
 - Shoulder
 - Clavicle
 - Scapula
 - Toes
 - Foot
 - Ankle
 - Lower leg
 - Knee
 - Patella

- Femur
 - Hip/Pelvis
- c) Limited Diagnostic Radiography – Spine
- Cervical Spine
 - Thoracic Spine
 - Lumbar Spine
 - Lumbosacral Spine
 - Sacroiliac Joints
 - Sacrum
 - Coccyx
 - Pelvis
- d) Limited Diagnostic Radiography – Skull and Sinuses
- Skull
 - Paranasal Sinuses
 - Mandible
 - Facial bones

(Source: Amended at 31 Ill. Reg. 11622, effective July 26, 2007)

**Section 401.APPENDIX B Example Topics Directly Related to Radiologic Sciences
(Repealed)**

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

**Section 401.APPENDIX C Minimum Training Requirements for Radiographers
Performing Mammography (Repealed)**

(Source: Repealed at 31 Ill. Reg. 11622, effective July 26, 2007)

Section 401.APPENDIX D Example Letter of Agreement for Radiologist Assistant

Technologist Accreditation Program
Illinois Emergency Management Agency
1035 Outer Park Dr.
Springfield IL 62704

Re: (Name of Applicant)

To whom it may concern:

This letter is to serve as acknowledgement that (Name of Applicant) will be employed by (Name of Radiology Group or Facility) under my supervision. (Name of Applicant) will, as a radiologist assistant, perform a variety of activities in the areas of patient care, patient management, clinical imaging and interventional procedures. It is also recognized that (he/she) may not interpret images, make diagnosis or prescribe medications or therapies.

I am a radiologist, licensed by the State of Illinois as a physician, and certified by the American Board of Radiology or the American Osteopathic Board of Radiology (select the appropriate Board).

Sincerely,

Physician's Name (Typed)

(Source: Added at 37 Ill. Reg. 14008, effective August 22, 2013)

Section 401.APPENDIX E Example Letter of Agreement for Nuclear Medicine Advanced Associate

Technologist Accreditation Program
Illinois Emergency Management Agency
1035 Outer Park Dr.
Springfield IL 62704

Re: (Name of Applicant)

To whom it may concern:

This letter is to serve as acknowledgement that (Name of Applicant) will be employed by (Name of Radiology Group or Facility) under my supervision. (Name of Applicant) will, as a nuclear medicine advanced associate, perform a variety of activities in the areas of patient care, patient management, clinical imaging and interventional procedures. It is also recognized that (he/she) may not interpret images, make diagnosis or prescribe medications or therapies.

I am a physician, licensed by the State of Illinois, whose name appears as an authorized user on Radioactive Materials License (License Number) issued by the Illinois Emergency Management Agency.

Sincerely,

Physician's Name (Typed)

(Source: Added at 37 Ill. Reg. 14008, effective August 22, 2013)