



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: James Castle, Ohio Department of Health

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: April 2, 2021

RE: **CSI Review – Radiologic Licensure (OAC 3701-72-01, 3701-72-02, and 3701-72-04)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

Analysis

This rule package consists of two amended rules proposed by the Ohio Department of Health (ODH). This rule package was originally submitted to the CSI Office on January 13, 2020, and the public comment period was held open through February 13, 2020. Following stakeholder feedback, the rules were resubmitted to the CSI Office on November 18, 2020, and the public comment period was held open through December 17, 2020. On February 22, 2021, ODH notified the CSI Office that OAC 3701-72-03 would be removed from this rule package and refiled separately.

Ohio Administrative Code (OAC) Chapter 3701-72 sets forth requirements for radiologic licenses, which include licenses for general x-ray machine operators, radiographers, nuclear medicine technologists, and radiation therapists. OAC 3701-72-01 provides definitions for the terms used throughout the Chapter and introduces a new definition for "Computed Tomography Procedures" and modifies the definition for "General supervision" to clarify that general supervision does not require the licensed practitioner to directly observe each procedure, in addition to other minor updates. OAC 3701-72-02 establishes license application and renewal procedures for radiologic

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

licenses and is being amended to include email as a form of contact and remove out-of-date requirements that relate to the effective date of the rule. OAC 3701-72-04 establishes licensee authorizations and requirements, including approved practices. The rule features amendments that allow licensees certified in computed tomography by a national certifying organization to practice computed tomography, as well as restricting the use of radiation outside the scope of practice.

During early stakeholder outreach, ODH sent the rules to stakeholders along with requests for feedback to be discussed during a meeting of the Radiation-Generating Equipment Committee. A variety of stakeholders, including the Ohio Hospital Association, Ohio Society of Radiologic Technologists, Ohio State Medical Association, and the Ohio State Radiologic Society, provided input that prompted updates to the rule language. During the initial CSI public comment period, comments were received from stakeholders which prompted many of the current proposed amendments. During the most recent CSI public comment period, ODH received comments from nine stakeholders. Comments related to OAC 3701-72-03 resulted in removing the rule from this package and refileing it separately with the CSI Office. Other stakeholders suggested allowing nurse practitioners and physician assistants to perform radiologic procedures. ODH did not make changes based on these suggestions, as statute does not allow ODH to include additional medical personnel on the list of authorized licensees.

The business community impacted by the rules are radiologic license holders operating in Ohio, including 13,682 radiographers, 890 radiation therapists, 1,271 nuclear medicine technologists and 980 general x-ray machine operators. Adverse impacts created by the rules include fees for license application and renewal. Application fees cost \$65 and renewing a license cost \$45 every two years for each license category held by an individual. ODH states that the rules are necessary to ensure that radiologic licensees are adequately trained to minimize radiation exposure to patients and provide essential care.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.