

Consideration of Adoption of Proposed Amendments to 22 Tex. Admin. Code §217.14, relating to Registered Nurses Performing Radiologic Procedures, including Written Comments Received and Results of Public Hearing, if any

Background: Proposed amendments to §217.14 were approved by the Board at its April 2018 meeting for submission to the *Texas Register* for public comment. The proposal was published in the *Texas Register* on June 1, 2018, and the comment period ended on July 1, 2018. The Board received one written comment on the proposed amendments. The Board did not receive any requests for a public hearing. A copy of the written comment received is attached hereto as Attachment "A".

The Board received a comment from a representative of the American Society of Radiologic Technologists recommending the addition of targeted continuing education requirements for nurses performing radiologic procedures. Staff does not recommend making this change.

A summary of the comment received and Staff's proposed response is attached as Attachment "B". The proposed rule text, as approved by the Board and published in the *Texas Register*, is included in Attachment "C" for reference.

Board Action: Move to adopt the proposed amendments to 22 Texas Administrative Code §217.14, relating to Registered Nurses Performing Radiologic Procedures, as proposed, and without change. Further, authorize Staff to publish the summary of comments and response to comments attached hereto as Attachment "B".



American Society of
Radiologic Technologists

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June 27, 2018

James W. Johnston, General Counsel
Texas Board of Nursing
333 Guadalupe, Suite 3-460
Austin, TX 78701
Via email: dusty.johnston@bon.texas.gov

Dear Mr. Johnston:

The American Society of Radiologic Technologists, represents 154,000 members nationally including nearly 6,000 medical imaging and radiation therapy professionals in Texas. ASRT respectfully submits the following comments regarding the Texas Board of Nursing's proposed rule amendment to 22 TAC 217.14 related to *Registered Nurses Performing Radiologic Procedures*.

ASRT believes that all patients deserve the best care possible; and that while registered nurses have excellent patient care skills and advanced education in nursing practice, registered nurses do not have the specific education, skills and experience required to perform medical imaging procedures in the settings allowed by Chapter 601 of the Texas Occupations Code. By permitting health care professionals who are not experts in managing radiation dose, patient positioning techniques, equipment protocols and medical imaging physics and who do not have specialized training to provide imaging services, the provisions allowing registered nurses to perform radiologic procedures contained in the Occupations Code may put patients at risk for errors, multiple exams and possible radiation overexposure.

ASRT agrees with the provisions of Chapter 601 that permit the Texas Medical Board and Texas Board of Medical Radiologic Technology to create training requirements for registered nurses performing radiologic procedures in sections 601.052 through 601.056, and believes the Board of Nursing should collaborate with the Medical Board and Board of Medical Radiologic Technologists to ensure that educational requirements for registered nurses who perform radiologic procedures are consistent and appropriate to the procedure being performed.

The rule proposed by the Board of Nursing in 217.14(e) states:

(e) Each nurse shall be responsible for maintaining a record demonstrating completion of an appropriate training program that has adequately prepared the nurse to perform radiologic procedures. The records shall document attendance and completion of the training program, as evidenced by original certificates of attendance and completion, and must be available for submission to the Board upon audit. These records shall be maintained by the nurse for a minimum of three consecutive renewal periods or six years.

ASRT suggests additional language to be added to (e) regarding continuing education requirements for registered nurses performing radiologic procedures:

Registered nurses who are registered with the Board of Nursing and who have completed training requirements established by the Board of Nursing, Texas Medical Board and Texas Board of Medical Radiologic Technology to perform radiologic procedures shall complete six hours of continuing education each renewal period. Continuing education shall be in the topics of radiation physics, radiobiology, radiation safety, radiation management or radiation protection.

The use of radiation to image patients is a process that changes frequently depending upon the imaging technology used. To keep up with evolving technology, it is incumbent upon the individual performing radiologic procedures to make sure that he or she is educated in the most current methods that have been developed to keep the patient and equipment operator safe from unnecessary radiation exposure.

Medical radiologic technologists complete a minimum of an associate's degree educational program before performing radiologic procedures on patients; and through their education develop expertise in anatomic positioning, equipment protocols and optimizing image acquisition to maximize image quality while minimizing radiation exposure to patients. ASRT believes that all individuals who perform radiologic procedures should complete similar education.

ASRT understands that many health care professions' general patient care skill set sometimes overlap. Many times this overlap is to the patient's advantage. However, in the area of radiologic procedures, there is a formal technical knowledge base that does not exist within the educational preparation for performance of nursing duties. ASRT appreciates the willingness of the Texas Board of Nursing to put the safety of patients undergoing radiologic procedures performed by registered nurses foremost in the rulemaking process.

Sincerely,

A handwritten signature in cursive script that reads "Greg Morrison".

Greg Morrison, M.A., R.T.(R), CNMT, CAE
Associate Executive Director

Cc: Texas Society of Radiologic Technologists

Attachment "B"

Summary of Comments Received

Summary of Comment: A commenter representing the American Society of Radiologic Technologists suggests requiring nurses who perform radiologic procedures to complete six hours of continuing education, each renewal period, in the topics of radiation physics, radiobiology, radiation safety, radiation management, or radiation protection.

Agency Response: The Board declines to make this change. The Board agrees that nurses performing radiologic procedures must be properly educated and trained to do so. To this end, the rule requires nurses performing radiologic procedures to complete a training program that will adequately prepare them to provide safe and effective nursing care in that role. As with all areas of nursing practice, the specific role or function of the nurse will vary based upon the type of radiologic procedure being performed. In some cases, a procedure may require a great deal of specialized knowledge and training. In others, it may not. It is the responsibility of each nurse performing a radiologic procedure to know and understand the complexities of the procedure and to ensure that he/she is adequately prepared to perform the procedure in a safe and effective manner.

The complexity of radiologic procedures, and the frequency with which nurses perform them, will necessarily vary among individual licensees. As a result, some nurses may perform complex procedures a few times a year, while others may perform simple, routine procedures several times a day. Each practice setting is different. It is each nurse's individual responsibility to choose continuing nursing education courses that will promote and enrich their knowledge and improve their skills in their specific practice settings. The Board believes the current continuing competency requirements set forth in Chapter 216 of the Board's rules are sufficient to ensure the ongoing safe practice of nurses performing radiologic procedures.

In order to renew his/her license, each nurse must either complete 20 hours of continuing nursing education in his/her area of practice each renewal period or obtain, maintain, or renew an approved national nursing certification in the nurse's area of practice. While the Board encourages nurses to choose continuing education courses that relate to their work setting, the Board does not generally prescribe the specific courses that a nurse must complete in order to meet these requirements. While the Board has enacted rules requiring the completion of specific courses (targeted continuing education) to implement specific legislative requirements in the past, and is authorized to require the completion of targeted continuing education, the Board declines to do so here for reasons given herein.

Attachment "C" (rule text as originally proposed)

§217.14. Registered Nurses Performing Radiologic Procedures.

(a) A registered nurse who performs radiologic procedures other than in a hospital that participates in the federal Medicare program or that is accredited by the [The] Joint Commission shall submit an application for registration to the Board [board] and shall submit evidence including, but not limited to, the following:

(1) - (2) (No change.)

(b) After review by the Board [board], notification of registration shall be mailed to the registered nurse informing him/her that the registration with the Board [board] has been completed.

(c) The registered nurse who is registered to perform radiologic procedures pursuant to subsection (a) of this section shall notify the Board [board] within 30 days of any changes that would render the information on the nurse's application incorrect, including, but not limited to any changes in the identity of the practitioner or director of radiological procedures under whose instruction or direction the radiologic procedures are performed.

(d) The registered nurse whose functions include radiologic procedures must act within the scope of the Texas Nursing Practice Act and the Board's rules and complete a training program that adequately prepares the nurse to provide safe and effective nursing care in that role. Further, the nurse [and] shall comply with the [training] requirements and limitations of the Medical Radiologic Technologist Certification Act (Occupations Code Chapter 601) and any applicable [the] rules of the Texas Medical

Board. In addition, to the extent applicable, the registered nurse must be in compliance with the Texas Medical Practice Act, the Texas Pharmacy Act, and any other applicable laws of the State of Texas.

(e) Each nurse shall be responsible for maintaining a record demonstrating completion of an appropriate training program that has adequately prepared the nurse to perform radiologic procedures. These records shall document attendance and completion of the training program, as evidenced by original certificates of attendance and completion, and must be available for submission to the Board upon audit. These records shall be maintained by the nurse for a minimum of three consecutive renewal periods or six years.

(f)[(e)] Any nurse who violates these rules, the applicable rules of the Texas Medical Board, or other applicable law shall be subject to disciplinary action [by the board under the Occupations Code Chapter 301 and the Board's rules].