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To: Ms. Hollie Taranto
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Louisiana State Radiologic Technology Board of Examiners

From: Jessica Weimer
Louisiana Department of Justice
Occupational Licensing Review Program

Date: May 21, 2025

Subject: Louisiana State Radiologic Technology Board of Examiners
Proposed Amendments to LAC 46:LXVI.901, 1131, 1201, and 1205
Regarding Limited X-Ray Machine Operators

I. SUMMARY

The Louisiana State Radiologic Technology Board of Examiners (the “**Board**”) proposes amending LAC 46:LXVI.901, 1131, 1201, and 1205 (the “**Proposed Amendments**”), regulating the Limited X-Ray Machine Operators (“**LXMO**”).¹ The Proposed Amendments allow for temporary or limited purpose permits, specifying the intended purposes and restrictions on the types of radiologic activities that may be performed and services that may be provided to patients by LXMOs.

The Board published a Notice of Intent to promulgate the Proposed Amendments on January 20, 2025.² The Notice invited public comments on these Proposed Amendments until February 10, 2025 and received none.³

Licensing fees create barriers to market entry for individuals desiring to engage in a profession or occupation, and the Proposed Amendments to §901, 1131, 1201, and 1205 are therefore properly considered an occupational regulation with reasonably foreseeable anti-competitive effects.⁴

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on March 21, 2025. The OLRP invited public comments on the Proposed Amendments March 25 through April 3, 2025 and received no comments. As set forth below, the OLRP has determined the Board’s Proposed Amendments to LAC 46:LXVI §901, 1131, 1201, and 1205 adheres to

¹ Louisiana Register, Vol. 51, No 1 January 20, 2025 at pgs. 154-159

² Id.

³ Id. at 1366.

⁴ La. R.S. 49:260 G(4)

clearly articulated state policy and therefore approves the Proposed Amendments for adoption as drafted.

II. ANALYSIS

A. Statutory Authority

The Louisiana Legislature established the Radiologic Technology Board of Examiners pursuant to the Louisiana Medical Radiation Health and Safety Act, LA R.S. 37:3200 *et seq.* (“*the Act*”). In order to safeguard life and health by preventing excessive and improper exposure to ionizing radiation, the Act requires that any individual practicing or offering to practice as a radiologic technologist in this state must submit evidence of qualifications and be allowed to practice accordingly.⁵ The Board was created under the Act to: (i) formulate rules governing its actions; (ii) examine, license, renew licenses of, and issue temporary working permits to qualified applicants for licensure as radiologic technologists; and (iii) establish continuing education requirements for license renewal.⁶ The Board may also: (i) issue temporary permits authorizing the practice of radiologic or fusion technology for a designated period of time; (ii) issue permits for specific purposes with restrictions to the type of radiologic or fusion technology activities that may be engaged in; and (iii) issue permits to radiologic technologists participating in educational and training programs which include the administration of radiologic or fusion technology services to patients.⁷ To adequately protect the health and welfare of the public, the Board is further authorized to adopt rules and regulations establishing the necessary qualifications, requirements, and formalities for issuing such permits.⁸

B. Proposed Amendments

a. Proposed Amendment to LAC 46:LXVI.901- Definitions

The Board proposes adding the following definitions to §901:

- Limited X-Ray Machine Operator – an individual other than a radiologic technologist who performs diagnostic x-ray procedures on selected anatomical sites as noted in §1131
- Urgent Care Center- a walk in facility focused on the delivery of medical care for minor illnesses and injuries in an ambulatory setting.

The Board may adopt and revise rules and regulations necessary to enable the Board to administer the provisions of the Act in order to adequately protect the safety, health, and welfare of the citizens of this state.⁹ While this rule may govern the practice of Radiologic Technology, it does not have any reasonably foreseeable anti-competitive effects that would be a market

⁵ LAC 46:LXVI.101

⁶ LSA R.S. 37:3207 (A)(1), (A)(2) and (B)(2)

⁷ LSA R.S. 37:3200 (A)

⁸ LSA R.S. 32:3200(B)

⁹ LSA R.S. 32:3207(A)(6)

barrier into or the continued practice of radiologic technology. Therefore, this rule does not require input from the OLRP pursuant to LA R.S. 39:260 and the Board may proceed with promulgation in accordance with the Louisiana APA.

b. Proposed Amendment to LAC 46:LXVI.1131-Licensure

The Board proposes adding §1131 allowing an applicant seeking to practice as an LXMO for the purpose of obtaining the clinical experience requirements required to sit for the required American Registry of Radiologic Technologists (ARRT) Limited Scope of Radiography certification examination.

The proposed §1131 establishes regulatory framework for the issuance, scope, eligibility and renewal of the LXMO permits in Louisiana. The section authorizes the Board to issue temporary and permanent LXMO permits to individuals seeking to perform diagnostic X-Ray procedures on limited anatomical areas in private physician's offices, clinics, and urgent care centers. Permit holders are restricted to imaging the chest, extremities, abdomen, skull/sinuses, and spine.

To qualify for the LXMO permit, applicants must be at least 18, of good moral character, have completed secondary education, and be enrolled in a board-approved LXMO program. A temporary permit may be issued for up to one year for clinical training purposes, during which the applicant must pass the ARRT Limited Scope of Radiography exam to obtain a full two-year permit. An exemption is provided for Private Radiologic Technologists licensed between January 1, 2025 and the rule's effective date. Permit renewal requires completion of 12 continuing education hours every two years. Failure to meet continuing education requirements results in an expired status, which can be reversed within six months with proper documentation and fees. Programs offering LXMO education must meet board approved accreditation standards. The Board also proposes a LXMO Code of Ethics to be adopted and sent to each LXMO candidate and reserves the right to investigate complaints against permit holders.

The Board may (i) issue temporary permits authorizing the practice of radiologic or fusion technology for a designated period of time; (ii) issue permits for specific purpose, subject to restrictions on the type of radiologic or fusion technology activities permitted; and (iii) issue permits to radiologic technologists participating in educational and training programs that include the administration of radiologic or fusion technology services to patients.¹⁰ Additionally, the Board is authorized to (i) formulate rules governing its actions; (ii) examine, license, renew licenses of, and issue temporary working permits to duly qualified applicants for licensure as radiologic technologists; (iii) promulgate minimum standards for the accreditation of educational programs to train individuals to perform radiologic procedures in the state; (iv) conduct disciplinary hearings; (v) establish continuing education requirements;

¹⁰ LSA R.S. 37:3220 (A)

(vi) adopt and revise rules and regulations to enable the board to administer provisions of the Act; and (vii) have all other powers necessary and proper to perform its duties.¹¹

Licensing or permitting and continuing education requirements are barriers to market entry that support the state's public policy of protecting the health, safety, and welfare of the people by ensuring qualified and accountable radiologic technologists. The Board's reservation of the authority to take disciplinary action does not, in itself, present a foreseeable anticompetitive effect, provided such authority is exercised in accordance with statutory authority and clearly articulated state policy and is subject to active state supervision. The ability to discipline licensees is a core function of occupational licensing boards and serves legitimate state interests in ensuring public health, safety, and professional accountability. However, consistent with the principles set forth in *North Carolina State Board of Dental Examiners v. FTC*, 574 U.S. 494 (2015), disciplinary authority may have anticompetitive implications if it is exercised by a board comprised of active market participants acting without adequate oversight, particularly where such authority is used to exclude qualified individuals from the market absent a bona fide public protection rationale. To mitigate such risk, disciplinary actions must be based on objective, transparent criteria and implemented in a manner that reflects the Board's regulatory, rather than proprietary, role.

Because the Board has disciplinary and regulatory authority, the proposed amendment falls within the Board's statutory mandate and adheres to clearly articulated state policy. Accordingly, the Board may promulgate the proposed amendment in accordance with the Louisiana APA.

c. Proposed Amendment to LAC 46:LXVI.1201- Continuing Education Requirements; Definitions

The Board proposes amending the following definitions:

- Active Status
- Approved Continuing Education Activity
- Category A and A+ Credit
- Continuing Education (CE)
- Continuing Education (CE) Activity
- Eligible for Renewal Status
- Expired Status
- Inactive Status

The Board proposes removing the following definitions:

- Advanced Level CPR
- Recognized Continuing Education Evaluation Mechanism.

¹¹ LSA R.S. 37:3207

The Board proposes adding the following definitions:

- Permitting
- Permitting Term
- Temporary Permit for Limited X-ray Machine Operator
- Temporary Permit for Radiologic Technologists

The Board may adopt and revise rules and regulations necessary to enable the Board to administer the provisions of the Act in order to adequately protect the safety, health, and welfare of the citizens of this state.¹² While this rule may govern the practice of Radiologic Technology, it does not have any reasonably foreseeable anti-competitive effects that would be a market barrier into or the continued practice of radiologic technology. Therefore, this rule does not require input from the OLRP pursuant to LA R.S. 39:260 and the Board may proceed with promulgation in accordance with the Louisiana APA.

d. Proposed Amendment to LAC 46:LXVI.1205-Continuing Education Requirements

As written, §1205 currently states: “Twenty-four hours of continuing education credits must be earned per licensing term to meet the continuing education requirements. Credits earned in excess of 24 per licensing term may not be carried over into the next licensing term. The continuing education requirement is independent of the number of licenses held by an individual (i.e., a radiologic technologist certified in both radiography and radiation therapy technology needs only 24 credits).” The Board proposes amending this rule to clarify that radiologic technologist, nuclear medicine technologist, radiation technologist, and fusion technologist must complete twenty-four hours of continuing education required per licensing term. The proposed amendment does not alter the intent or substantive meaning of the current rule; rather it serves to clarify the categories of technologists subject to this provision. The Board has clear statutory authority to establish continuing education requirements for license renewal.¹³

While continuing education requirements are essential to ensuring licensed professionals maintain current knowledge and competencies in their field, they may also have anticompetitive effects by increasing the cost and time burden on licensees, potentially deterring new entrants or marginal participants from remaining in the profession. These effects are more pronounced when the requirements are overly burdensome, inflexible, or not directly tied to public safety outcomes. However, continuing education requirements serve a critical role in protecting public health, safety, and welfare by promoting professional development, ensuring continued competency, and supporting the delivery of safe, quality care to the public. Because this proposed amendment is within the Board’s statutory authority and adheres to

¹² LSA R.S. 32:3207(A)(6)

¹³ LSA R.S. 37:3207 (B)(6)

clearly articulated state policy, the proposed amendment may be promulgated in accordance with the APA.

Determination

The Board is a state regulatory and disciplinary body created to provide regulation of the practice of radiologic technology.¹⁴ The Board holds the statutory authority to adopt and revise rules and regulations, establish a code of ethics for radiologic technologists, establish continuing education requirements for license renewal, and examine, license, renew, and issue temporary working permits to duly qualified applicants for licensure as radiologic technologists.¹⁵ Because the Proposed Amendments are within the Board's statutory authority and adheres to clearly articulated state policy, these Amendments are approved as submitted by the Attorney General and may be adopted by the Board.

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM



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¹⁴ LAC 47:LX.101

¹⁵ LSA R.S. 37:3207