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To: Ms. Hollie Taranto
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From: Jessica Weimer
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Subject: Louisiana State Radiologic Technology Board of Examiners
Proposed Amendments to LAC 46:LXVI.301, 305, 1121, 1129, and 1201

I. SUMMARY

The Louisiana State Radiologic Technology Board of Examiners (the “*Board*”) proposes amending LAC 46:LXVI.301, 305, 1121, 1129, and 1201 (the “*Proposed Amendments*”) to update professional language and modernize internal administrative processes.¹ The Proposed Amendments modernize internal administrative processes by permitting email notification in place of mailed notice for additional board meetings and license renewal reminders. The Proposed Amendments also update licensure pathways by recognizing the Nuclear Medicine Technology Certification Board (NMTCB) Computed Tomography (CT) examination for purposes of the fusion technology temporary permit, aligning Board requirements with national certification standards.

The Board states that while recognition of the NMTCB CT examination may result in a modest expansion of the eligible labor pool, it is not expected to create a significant influx of new practitioners due to the ongoing national shortage of technologists. Instead, the Proposed Amendments primarily benefit Louisiana by facilitating professional mobility for qualified technologists, reducing staffing gaps, and providing healthcare facilities with greater flexibility to meet patient care demands.

The Board published a Notice of Intent to promulgate the Proposed Amendments on September 20, 2025.² The Notice invited public comments on these Proposed Amendments through October 10, 2025.³ The Board received fourteen public comments from individual technologists, healthcare providers, professional associations, and credentialing organizations.. A substantial number of commenters expressed support for recognizing the NMTCB CT

¹ Louisiana Register, Vol. 51, No 9 September 20, 2025 at pgs 1503-1505

² Id.

³ Id. at 1505.

examination, aligning Louisiana regulations with national standards, improving workforce mobility, and addressing staffing shortages. Several commenters emphasized that requiring full diagnostic CT pathways creates barriers leading to workforce attrition and patient backlogs. Other commenters raised concerns regarding patient safety, radiation dose management, and the distinction between radiography and nuclear medicine training opposing the Proposed Amendments while generally accepting hybrid imaging under appropriate supervision. In response, the Board acknowledged each comment, clarified existing licensure categories, statutory limits on Board composition, and the purpose of the fusion permit, and confirmed that all feedback was considered and presented to the Board. The Board consistently reaffirmed its commitment to patient safety, professional standards, and statutory compliance while evaluating the Proposed Amendments.

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 November 21, 2025. The OLRP invited public comments on the Proposed Amendments November 24 through December 7, 2025 and received no comments.

An Occupational Regulation is a "rule defined in the Administrative Procedure Act ("APA") that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded."⁴ The APA defines a rule as an agency (Board) requirement for conduct or action prescribing the procedure or practice requirements of the agency (Board).⁵ Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁶

As set forth below, the OLRP has determined the Board's proposed amendments to 46:LXVI. 301, 305, 1121, 1129, and 1201 adhere to clearly articulated state policy and do not constitute occupational regulations with reasonably foreseeable anticompetitive effects requiring further action or review by the OLRP.

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"). The purpose of the Act is to safeguard life and health by preventing excessive and improper exposure to ionizing radiation⁷. To that end, any individual practicing or offering to

⁴ LA R.S. 49:260 (G) (4)

⁵ LA R.S. 49:951 (8)

⁶ Black's Law Dictionary, 12th Edition p. 116

⁷ LAC 46:LXVI.101

practice as a radiologic technologist in this state must submit evidence of qualifications and be allowed to practice accordingly.⁸

Under the Act, the Board is empowered to: (i) formulate rules governing its actions; (ii) examine applicants for licensure; (iii) issue, renew, and regulate licenses; and (iv) issue temporary working permits to duly qualified applicants seeking licensure as radiologic technologists.⁹ The Board is further authorized to establish continuing education requirements as a condition of license renewal.¹⁰

In addition, the Act authorizes the Board to: (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 permitted; (iii) promulgate minimum standards for the accreditation of educational programs training individuals to perform radiologic procedures in the state; and (iv) establish and enforce continuing education requirements necessary to ensure ongoing professional competency.¹¹

To adequately protect the health, safety, and welfare of the public, the Board is expressly authorized to adopt rules and regulations establishing the qualifications, requirements, and formalities necessary for issuing temporary or limited purpose permits for radiologic or fusion technology services.¹²

B. Proposed Amendments

i. Proposed Amendment to LAC 46:LXVI.301 and 305 Officers of the Board and Meetings of the Boards

The proposed amendment to §301 clarifies and modernizes internal administrative responsibilities by providing that the secretary-treasurer shall, in coordination with the executive director, supervise Board funds and prepare the annual budget, subject to Board approval. All other duties of the secretary-treasurer remain substantively unchanged. This amendment clarifies shared fiscal and budgetary oversight without altering the scope or substance of the secretary-treasurer's authority.

The proposed amendment to §305(B) authorizes the chairman to provide written notice by mail or email, rather than mail only, when calling additional Board meetings. The requirement that notice be provided at least fifteen (15) days in advance remains unchanged. This amendment modernizes communication methods while preserving existing notice timelines and procedural safeguards.

The Act expressly authorizes the Board to formulate rules governing its actions,¹³ including its internal operations, procedures, and administration, such as establishing duties of Board

⁸ LAC 46:LXVI.101

⁹ LA R.S. 37:3207 (A)(1), (A)(2) and (B)(2)

¹⁰ *Id.*

¹¹ LA R.S. 37:3207

¹² LA R.S. 32:3220(B)

¹³ LA R.S. 37:3207(A)(1)

officers, managing fiscal oversight, and setting procedures for conducting Board meetings. The proposed amendment to §301 falls within the Board's authority to organize its internal governance structure and assign administrative responsibilities necessary to carry out its statutory mission. Similarly, the proposed amendment to §305(B) is a procedural change governing how the Board provides notice of meetings and is squarely within the Board's authority to regulate its own procedural practices.

The proposed amendments to §301 and §305 are purely internal and administrative and do not regulate licensees, applicants, or the practice of radiologic or fusion technology. Allowing email notice in addition to mailed notice and clarifying coordination between Board officers and staff do not create barriers to entry, limit the supply of practitioners, or advantage or disadvantage any market participant. Accordingly, these amendments have no reasonably foreseeable anticompetitive effects.

The proposed amendments to §§301 and 305 constitute a lawful exercise of the Board's statutory authority to govern its internal administration and procedures.¹⁴ Because these provisions are administrative in nature and do not affect market competition or participation, they do not constitute occupational regulations with reasonably foreseeable anticompetitive effects. Accordingly, no further review or action by the OLRP is required with respect to §§301 and 305. The Board may proceed with promulgation of these amendments in accordance with the Louisiana APA.

ii. Proposed Amendment to LAC 46:LXVI.1121 Renewal of License

The proposed amendment to §1121 updates the Board's license renewal procedures by maintaining the biennial renewal requirement while modernizing the method of renewal notification. Specifically, the amendment replaces mailed renewal notices with email notification sent to the most recent email address on file with the Board. The amendment also removes the statutory cross-reference to a specific renewal fee amount in accordance with LA R.S. 37:3218, without altering the Board's authority to assess renewal fees as prescribed by law. The substance of the renewal obligation (application and payment of renewal fee every two years) remains unchanged.

Under the Act, the Board is authorized to issue and renew licenses and to establish procedures governing license maintenance and renewal.¹⁵ This authority includes determining the manner in which renewal applications are processed and how licensees are notified of renewal requirements.¹⁶ The proposed amendment to §1121 falls squarely within the Board's statutory authority to regulate licensure administration and to adopt procedures that ensure efficient, accurate, and timely license renewal while protecting public health, safety, and welfare.

The proposed amendment to §1121 is administrative and procedural in nature and does not impose new substantive requirements on licensees. Replacing mailed notices with email

¹⁴ LA R.S. 37:3207(A)(1)

¹⁵ LA R.S. 37:3207(A)(2)

¹⁶ LA R.S. 37:3207(A)(1)

notification is a modernization measure designed to improve administrative efficiency and reduce the risk of inadvertent license lapses. The amendment applies uniformly to all licensees and does not create barriers to entry, restrict the supply of practitioners, or disadvantage any class of licensees. Accordingly, the proposed amendment has no reasonably foreseeable anticompetitive effects.

The proposed amendment to LAC 46:LXVI.1121 constitutes a lawful exercise of the Board's statutory authority to regulate license renewal procedures. Because the amendment is administrative in nature and does not affect market participation or competition, it does not constitute an occupational regulation with reasonably foreseeable anticompetitive effects requiring further action by the Occupational Licensing Review Program. The Board may proceed with promulgation of §1121 in accordance with the Louisiana APA.

iii. Proposed LAC:46:LXVI.1129 Fusion Technology Temporary Permit

The proposed amendment to §1129 expands the list of qualifying national certification examinations for which an applicant may obtain a fusion technology temporary permit. Under the amendment, an applicant may seek a temporary permit to obtain the required clinical experience to sit for either the Computed Tomography (CT) certification examination administered by the American Registry of Radiologic Technologists (ARRT) or the Computed Tomography (CT) certification examination administered by the Nuclear Medicine Technology Certification Board (NMTCB).

All other eligibility requirements remain unchanged. Applicants must (i) hold a current, unrestricted license to practice nuclear medicine technology; (ii) submit a Board-approved clinical training agreement; (iii) complete four ARRT/Board-approved continuing education hours in contrast media/drug administration; and (iv) pay all applicable fees prescribed by Board rules and the Radiologic Technology Practice Act.

The Board's authority to issue temporary permits for the purpose of obtaining clinical experience in Computed Tomography is expressly grounded in La. R.S. 37:3221, enacted pursuant to La. R.S. 37:3220. Section 3221 authorizes the Board to issue a temporary permit to a licensed nuclear medicine technologist to perform the clinical experience requirements necessary to qualify for the ARRT CT specialty examination, under supervision and for a limited duration not to exceed one year.

The proposed amendment to §1129 directly implements this statutory authority by establishing objective criteria governing issuance of temporary permits for supervised CT clinical experience. Although La. R.S. 37:3221 references the ARRT CT examination, it does not prohibit the Board from recognizing additional nationally accredited CT certification examinations. The Board's inclusion of the NMTCB CT examination is consistent with its broader statutory authority under the Act to establish qualifications and formalities for temporary and limited-purpose permits necessary to protect public health and safety.

The proposed amendment to §1129 does not create a new occupational license, restrict entry into the profession, or limit the number of individuals eligible to practice. Instead, it expands

permissible certification pathways for already licensed nuclear medicine technologists by recognizing an additional nationally accepted CT examination.

Recognizing the NMTCB CT examination avoids exclusive reliance on a single certifying body, enhances professional mobility for qualified technologists, facilitates completion of required clinical experience within Louisiana, and helps address workforce shortages without compromising patient safety.

The amendment applies uniformly, relies on objective eligibility criteria, and preserves all existing safeguards, including licensure, supervision, training agreements, and continuing education. Accordingly, the amendment has no reasonably foreseeable anticompetitive effects and is properly characterized as pro-competitive in effect.

The proposed amendment to LAC 46:LXVI.1129 is a lawful exercise of the Board's clearly articulated statutory authority under La. R.S. 37:3221 to issue temporary permits for supervised CT clinical experience. By recognizing the NMTCB CT examination in addition to the ARRT CT examination, the amendment modernizes the rule, aligns state regulation with national certification standards, and facilitates workforce development.

The proposed amendment does not constitute an occupational regulation with reasonably foreseeable anticompetitive effects and does not require further action by the Occupational Licensing Review Program. Accordingly, the Board may proceed with promulgation of this rule in accordance with the Louisiana APA.

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

The proposed amendment to §1201 updates the definition of "Approved Continuing Education Activity" by expanding the list of advanced-level examinations considered acceptable for continuing education credit. Specifically, the amendment adds recognition of the NMTCB CT examination as an acceptable advanced-level continuing education ("CE") activity, alongside the existing AART CT examination. All other entry-level and advanced-level examinations remain unchanged. The amendment does not alter the number of CE hours required, the frequency of renewal, or other CE compliance standards.

By recognizing nationally accredited certification examinations as acceptable CE activities, the Board is exercising its statutory discretion to ensure continuing competency while aligning state requirements with widely accepted national professional standards. The inclusion of the NMTCB CT examination is consistent with the Board's authority to determine appropriate CE requirements for license renewal that support public health, safety, and welfare.¹⁷

The proposed amendment to §1201 is administrative and non-restrictive in nature. It expands the range of acceptable CE activities by recognizing an additional nationally recognized CT certification examination. This expansion increases flexibility for licensees, particularly nuclear medicine technologists, by allowing them to satisfy CE requirements through multiple

¹⁷ LA R.S. 37:3207(B)(2)

equivalent pathways. By avoiding exclusive reliance on a single certifying body and broadening acceptable CE options, the amendment is pro-competitive and reduces potential compliance burdens. There are no reasonably foreseeable anticompetitive effects as the amendment does not restrict market participation, reduce practitioner supply, or disadvantage any class of licensees.

The proposed amendment to LAC 46:LXVI.1201 is a lawful exercise of the Board's authority under La. R.S. 37:3207(B)(2) to establish continuing education requirements for license renewal. By recognizing the NMTCB CT examination as an acceptable advanced-level CE activity, the amendment modernizes the rule, aligns state regulation with national standards, and enhances professional flexibility.

Accordingly, the proposed amendment does not constitute an occupational regulation with reasonably foreseeable anticompetitive effects and does not require further action by the Occupational Licensing Review Program. As such, the Board may proceed with promulgation of §1201 in accordance with the Louisiana APA.

III. DETERMINATION

The Board is a state regulatory and disciplinary body created to regulate the practice of radiologic technology in Louisiana¹⁸. The Board is statutorily authorized to (i) formulate rules governing its actions; (ii) examine applicants for licensure; (iii) issue, renew, and regulate licenses; and (iv) issue temporary working permits to duly qualified applicants seeking licensure as radiologic technologists.¹⁹ The Board is further authorized to establish continuing education requirements as a condition of license renewal.²⁰

Because the Proposed Amendments fall within the Board's statutory authority, adhere to clearly articulated state policy, and do not constitute occupational regulations with reasonably foreseeable anticompetitive effects, the Board may proceed with promulgation of the Proposed Amendments without input from the Occupational Licensing Review Program, in accordance with the Louisiana Administrative Procedure Act.

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¹⁸ LA R.S. 37:3200 et seq.

¹⁹ LA R.S. 37:3207 (A)(1), (A)(2) and (B)(2)

²⁰ *Id.*