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

From: Farra Mughal  
Louisiana Department of Justice  
Occupational Licensing Review Program

Date: June 13, 2025

Subject: Louisiana State Radiologic Technology Board of Examiners  
Proposed Amendment to LAC 46:LXVI.1217~ Fee and Expense Schedule

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## I. SUMMARY

The Louisiana State Radiologic Technology Board of Examiners (the “**Board**”) proposes amending LAC 46:LXVI.1217 (the “**Proposed Amendment**”), relative to fee and expense schedules.<sup>1</sup> The Proposed Amendment (i) increases the existing licensure fee schedule, and (ii) establishes a temporary permit and permit fee schedule for Limited X-Ray Machine Operator (“**LXMO**”) permits.

The Board published a Notice of Intent to promulgate the Proposed Amendment on March 20, 2025.<sup>2</sup> The Notice invited public comments on these Proposed Amendments until April 10, 2025 and received none.<sup>3</sup>

Licensing and permitting fees create barriers to market entry for individuals desiring to engage in a profession or occupation. Therefore, the Proposed Amendment to §1217 is properly considered an occupational regulation with reasonably foreseeable anti-competitive effects.<sup>4</sup>

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendment to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on April 21, 2025. The OLRP invited public comments on the Proposed Amendment from April 22 through May 6, 2025 and received no comments.

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence

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<sup>1</sup> Louisiana Register, Vol. 51, No. 3 March 20, 2025 p. 441-442

<sup>2</sup> Id. at 442

<sup>3</sup> Id.

<sup>4</sup> La. R.S. 49:260 G(4)

to applicable state law.<sup>5</sup> However, it is not within the purview of the OLRP to comment on the constitutionality of a statute when there might be a conflict between the statute and an article of the state's constitution. As set forth below, the OLRP has determined the Board's Proposed Amendment to LAC 46: LXVI §1217 is within the Board's statutory authority and adheres to clearly articulated state policy, and therefore approves this Amendment for adoption as drafted, pending legislative approval.

## **II. ANALYSIS**

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 authorizes the Board to adopt rules and regulations establishing the necessary qualifications, requirements, and formalities for issuing permits. Pursuant to La. R.S. 37:3218, the Board is authorized to set a reasonable fee schedule for the issuance, renewal, or reinstatement of any license or permit, for administration of examinations for licensure, or for any other administrative function. Additionally, the Board may modify the fee schedule from time to time as deemed necessary by the Board.<sup>6</sup> However, LA Const. art. 7, § 2.1 (A) provides that any new fee or civil fine or increase in an existing fee or civil fine imposed or assessed by the state or any board shall require the enactment of a law by a two-thirds vote of the elected members of each house of the legislature.

The Board proposes amending LAC: 46:LXVI.1217 to modify the fee schedule to (i) increase the licensing fee from \$100 to \$150 for a two-year period, (ii) increase the late fees for renewals to \$200, regardless of the time of renewal, (iii) increase the verification fee from \$25 to \$50, and (iv) establish a LXMO temporary permit fee of \$50 and a two-year LXMO permit fee of \$150.

Although, LA Const. art. 7, § 2.1 (A) requires that any new fee or an increase in an existing fee, that is assessed by the Board, be approved by two-thirds of the legislature, the Board has the statutory authority to set and modify a fee schedule for the issuance, renewal or reinstatement of any license and permit.<sup>7</sup> Furthermore, the Board has indicated that it has submitted the proposed amendment to the legislature for approval and if approved, would become effective January 1, 2026.<sup>8</sup>

The Board may adopt and revise rules and regulations necessary to administer the provisions of the Act and to adequately protect the safety, health, and welfare of the citizens of this state.<sup>9</sup> While permitting and licensing fees create barriers to market participation, the Board indicates the proposed increase in fees is necessary due to an increase in operating expenses. The Board also states that, in the future, the increased revenue will be used to fund upgrades to its operational infrastructure, which will create increased efficiency, greater consistency, and

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<sup>5</sup> La. R.S. 49:260 (D) (2)

<sup>6</sup> La. R.S. 37:3218

<sup>7</sup> La. R.S. 37:3218

<sup>8</sup> <https://lsrtbe.org>

<sup>9</sup> La. R.S. 32:3207(A)(6)

easier access of data to license and permit holders. The revenue generated from the proposed amendment would improve the Board's regulatory oversight and administrative processes, thus supporting its ability to adhere to state policy of protecting the safety, health, and welfare of the public.

The OLRP finds that the proposed amendment is within the Board's statutory authority and adheres to clearly articulated state policy, and therefore the Board may promulgate the rule in accordance with the Louisiana APA, pending legislative approval.

### **III. DETERMINATION**

The Board is a state regulatory body created to provide regulation of the practice of radiologic technology.<sup>10</sup> Under La. R.S. 37:3218, the Board holds the statutory authority to set and modify a fee schedule for the issuance, renewal, or reinstatement of any license or permit, for administration of examinations for licensure, or for any other administrative function. Because the Proposed Amendment is within the Board's statutory authority and adheres to clearly articulated state policy, the Amendment is approved as submitted by the Attorney General and may be adopted by the Board, if approved by the legislature.

OFFICE OF THE ATTORNEY GENERAL  
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<sup>10</sup> LAC 47:LX.101