

To: Attorney General Liz Murrill

Attn: Department of Justice, Occupational Licensing Review Program

From: Hollie Taranto

Executive Director

Louisiana State Radiologic Technology Board of Examiners

Date: April 7, 2025

Subject: Limited X-Ray Machine Operator Permits (LXMO)

The Louisiana State Radiologic Technology Board of Examiners has proposed amendments to LAC 46: LXVI. Chapters 9, 11, and 12.

The Louisiana State Radiologic Technology Board of Examiners requests an expedited review of the proposed rule based on the following circumstances: Within the urgent care community, there has been an immediate, expressed need for the ability to fill imaging positions that are currently open. Thus far, the LSRTBE has received no adverse opinions or comments from other professions; we have received positive feedback. We appreciate your assistance.

To facilitate the Department of Justice's review of the proposed rule The Louisiana State Radiologic Technology Board of Examiners provides answers to the following questions.

1. Describe any relevant factual background to the occupational regulation and the purpose of the occupational regulation?

It has been brought to the attention of the Louisiana State Radiologic Technology Board of Examiners (LSRTBE) that many urgent care centers throughout the State have a dire need for Licensed Radiologic Technologists, however, they have not been able to attract applicants for open positions. Reasons for the applicant shortage include unusual/non-desirable work hours, decreased pay, and job duties that differ than those of a Radiologic technologist working in a traditional hospital setting. The shortage is having an impact on radiology practices, the ability of urgent care center patients to obtain imaging, and patient waiting times. In review of the nationwide industry, trends, and market, the LSRTBE has found that properly trained Limited X-ray Machine Operators (LXMO) can competently fill the void in the market.

Under the proposed rule, LXMO's would perform x-rays on selected anatomical sites on patients treated in a private physician office, private clinic, and/or an urgent care center.

2. Is the occupational regulation within the scope of the occupational licensing board's general authority to regulate in a given occupation or industry? If so, identify the law that provides the authority for the rule and describe how the occupational regulation is within the scope.

The LSRTBE was created in 1984 as the sole governing regulatory body for any professional that administers ionizing radiation to patients in the State of Louisiana. Louisiana Law, La. R.S. 37: 3220, authorizes the LSRTBE to issue temporary or limited purpose permits authorizing the practice of radiologic technology.

§3220. Temporary or limited purpose permits

- A. The board may:
 - (1) Issue temporary permits authorizing the practice of radiologic or fusion technology for a designated period of time.
 - (2) Issue permits for specific purposes with restrictions as to the type of radiologic or fusion technology activities that may be engaged in.
 - (3) Issue permits to radiologic technologists participating in educational and training programs which include the administration of radiologic or fusion technology services to patients.
- B. The board may adopt rules and regulations, pursuant to the Administrative Procedure Act, which establishes the necessary qualifications, requirements, and formalities for the issuance of such permits as are necessary for the adequate protection of the health and welfare of the citizens of this state.

Limited X-Ray Machine Operator (LXMO) permit holders will practice radiologic technology by imaging selected anatomical areas on patients being treated in a private physician office, private clinic, and/or urgent care center. By adopting a Rule as to the permitting process and qualifications of Limited X-ray Machine Operators, the LSRTBE is ensuring that the LXMO permits are issued to competent individuals who are trained according to generally accepted educational standards and, thus, are in a position to safely image patients. The LSRTBE is in the best position to understand and adopt the curriculum and clinical requirements necessary to train and permit Limited X-Ray Machine Operators.

3. Check all of the following that apply as reasons the occupational regulation is subject to review:

- ☐ Creates a barrier to market competition
- ☐ Fixes prices, limits price competition, or results in high prices for a product or service provided by or to a license holder.
- ☐ Reduces competition or excludes present or potential competitors from the occupation regulated by the board
- ☐ Limits output or supply in this state of any good or service provided by the members of the regulated occupation.
- ☐ Reduces the number of providers that can serve a particular set of customers
- ☐ Changes existing requirements for licensure, certification, registration, etc.
- ☒ Other activity (please describe)

The proposed rule change creates a method for permitting qualified individuals as Limited X-ray Machine Operators to perform diagnostic x-ray procedures on selected anatomical sites of the body in the setting of a private physician office, private clinic, or urgent care center. With LXMO permit holders working within these specified facilities, the LSRTBE believes that the void in the market can be filled, and that full scope licensed radiologic technologists will be able to act in hospitals, in other advanced knowledge positions (modalities), as well as in supervisory roles.

4. Identify the clearly articulated state policy (e.g., health, safety, welfare, or consumer protection) in state statute, or any supporting evidence of the harm the action/proposed action is intended to protect against?

It is with the concern of the health, safety, and welfare of Louisiana patients who require imaging that the LSRTBE has proposed a rule for Limited X-Ray Machine Operators. There is a need for LXMOs in the current market and since these individuals will be administering ionizing radiation, the LSRTBE needs to ensure that such individuals are properly trained and competent to image ill and injured patients in the State of Louisiana.

The Louisiana Medical Radiation Health and Safety Act, R.S. 37:3200 through R.S. 37:3221, provides the authority for the LSRTBE to issue licenses and permits to those professionals who seek to practice radiologic technology. The board may adopt rules and regulations, pursuant to the Administrative Procedure Act, which

establishes the necessary qualifications, requirements, and formalities for the issuance of such permits as are necessary for the adequate protection of the health and welfare of the citizens of this state.

5. Do any less restrictive alternatives to the occupational regulation exist for addressing the same harm? If so, include a comparison of the occupational regulation to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.

The LSRTBE is not aware of any other less restrictive alternatives in the State of Louisiana that ensures these individuals would receive proper training in conjunction with generally accepted educational standards that further test and ensure competency.

6. Describe the process that the occupational licensing board followed in developing the proposed rule, including any public hearings held, studies conducted, and data collected or analyzed.

This issue was brought to the attention of the LSRTBE a year ago. Concern was voiced by members of the medical community and since then, the LSRTBE has been involved in discussions with industry leaders and physicians throughout the State. To meet a market need across the state, the LSRTBE researched other states and came up with a solution that would meet the needs of medical providers, while at the same time ensuring that the individual performing the imaging would be competently trained and educated. Recently, the American Society of Radiologic Technologists found a radiologic technologist vacancy rate of 18.1%, noting that it is a dramatic increase from 6.2% only three years ago. Currently, there are 304 urgent care facilities in the State of Louisiana that require necessary support staff to be present in order to render quality patient care. The radiologic technologist shortage affects smaller, more independent practices, which often leads to the limitation of radiology services. At this time, the Board believes, based on information from urgent care facilities, that the current need for permitted individuals in urgent care facilities would be addressed by the creation of this limited permit. Furthermore, the proposed rule change eliminates improperly trained individuals from administering ionizing radiation to patients. In addition, it also eliminates the current situation of aiding and abetting, in which licensed radiologic technologists are being requested to train individuals who are not properly educated. Thus, the Rule, more likely than

not, will address a market need in the State and ensure the individuals providing patient care are adequately vetted and qualified. There are thirty-three other States that offer Limited X-ray Machine Operation demonstrating that this is a recognized need in the medical community across the nation.

7. Does the occupational regulation relate to a matter on which there is pending litigation or a final court order?

The occupational regulation does not relate to a matter on which there is pending litigation or a final court order.

8. Please identify the board members voting in favor of this rule, and state whether the member is an active market participant.

Robert Newsome, MD (yes, Licensed Radiologist)
Fred Drouant (yes, Licensed Radiologic Technologist)
Kirk Soileau (yes, Hospital Administrator)
Desire Bell (yes, Licensed Radiologic Technologist)

9. Is there anything else that the occupational licensing board would like the Department to know about the proposed rule?

The proposed rule would provide for oversight by a licensed technologist- one who has completed a LSRTBE board approved educational program- in that the technologist is competent and vetted in the positioning and exposure of radiation to patients.

Given the nature of the permitted position and the market need, there is no regulatory Board more competent than the LSRTBE to set the educational and training requirements to ensure that the Limited X-Ray Machine Operator is qualified and competent to perform imaging of ill and injured Louisiana citizens.