



You are invited to submit comments concerning the following rules, with comments due by **February 11, 2016**:

RULES IN CHAPTERS 4774-1 and 4774-2, Ohio Administrative Code: Radiologist Assistants

Chapters 4774-1 and 4774-2, Ohio Administrative Code contain the rules related to radiologist assistants.

- Rule 4774-1-01: Definitions:
- The term “deep sedation” is amended to reflect the use of the term “monitored anesthesia care.”
 - The term “moderate sedation” is amended to reflect the use of the term “conscious sedation.”
- Rule 4774-1-02: Application for a Certificate to Practice: *No changes proposed.*
- Rule 4774-1-03 Renewal of a Certificate to Practice: *No changes proposed.*
- Rule 4774-1-04 Miscellaneous Provisions: *No changes proposed.*
- Rule 4774-2-01 Definitions: *No changes proposed.*
- Rule 4774-2-02 Criminal Records Checks: *No changes proposed.*

Please send comments to Sallie.Debolt@med.ohio.gov by February 11, 2016.

4774-1-01

Definitions.

(A) “Board” means the state medical board of Ohio.

(B) For purposes of Chapter 4774. of the Revised Code, the following definitions apply:

- (1) “General Anesthesia” means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilatory functions is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.
- (2) “Deep sedation” [as that term is used in section 4774.08 of the Revised Code, means "monitored anesthesia care" and means is](#) a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.
- (3) “Moderate sedation” [as that term is used in section 4774.08 of the Revised Code, means "conscious sedation" and means is](#) a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. Reflex withdrawal from a pain stimulus is not a purposeful response. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is maintained.
- (4) “Minimal sedation” means a drug-induced state during which patients respond normally to verbal commands. Although cognitive function and coordination may be impaired, ventilatory and cardiovascular functions are unaffected. Sedation achieved through intravenous administration of drugs is not a form of minimal sedation.

4774-1-02

Application for a certificate to practice.

- (A) An applicant for an initial certificate to practice or a restored certificate to practice as a radiologist assistant shall file a written application under oath on the forms prescribed by the board, and provide such other facts and materials as the board requires.
- (B) No application shall be considered filed, and shall not be reviewed, until the non-refundable application fee of two hundred dollars has been received by the board.
- (C) All application materials submitted to the board by applicants may be thoroughly investigated. The board may contact individuals, agencies, or organizations for recommendations or other information about applicants as the board deems necessary. Applicants may be requested to appear before the board or a representative thereof as part of the application process.
- (D) An application shall be considered to be complete when all of the following requirements are met:
 - (1) The application fee required pursuant to paragraph (B) of this rule has been received by the board;
 - (2) The applicant has complied with the requirements of paragraph (A) of rule 4774-2-02 of the Administrative Code and the board has received the results of the criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule 4774-2-02 of the Administrative Code;
 - (3) Verification of the applicant's current licensure as a radiographer has been received directly from the "Ohio Department of Health."
 - (4) Verification of the applicant's current certification has been received by the board directly from the "American Registry of Radiologic Technologists;"
 - (5) All information required by division (B) of section 4774.03 of the Revised Code, including such other facts and materials as the board requires, has been received by the board; and
 - (6) The board is not conducting an investigation, pursuant to section 4774.14 of the Revised Code, of evidence appearing to show that the applicant has violated section 4774.13 of the Revised Code or applicable rules adopted by the board.
- (E) If the application is not complete within six months of the date the application is filed

with the board because required information, facts, or other materials have not been received by the board, the board may notify the applicant by certified mail that it intends to consider the application abandoned if the application is not completed.

(1) The written notice shall:

(a) Specifically identify the information, facts, or other materials required to complete the application; and

(b) Inform the applicant that the information, facts, or other materials must be received by the deadline date specified; that if the application remains incomplete at the close of business on the deadline date the application may be deemed to be abandoned and no further review of the application will occur; and that if the application is abandoned the submitted fees shall neither be refundable or transferrable to a subsequent application.

(2) If all of the information, facts, or other materials are received by the board by the deadline date and the application is deemed to be complete, the board shall process the application and may require updated information as it deems necessary.

4774-1-03

Renewal of a certificate to practice.

- (A) Renewal, reinstatement, or restoration of a certificate to practice as a radiologist assistant shall be in the manner and according to the requirements of section 4774.06 of the Revised Code.
- (1) An applicant for renewal, reinstatement, or restoration of a certificate to practice as a radiology assistant shall file a written application under oath on the forms prescribed by the board.
 - (2) An application for renewal, reinstatement, or restoration of a certificate to practice shall not be considered filed, and shall not be reviewed, until the board has received the nonrefundable renewal application fee of two hundred dollars.
- (B) An application for renewal or reinstatement of a certificate to practice shall be considered complete upon the following:
- (1) The board has received the renewal fee specified in paragraph (A) of this rule;
 - (2) For reinstatement, the monetary penalty required for reinstatement of a certificate to practice has been received by the board; and
 - (3) The board has received all information required by division (B) of section 4774.06 of the Revised Code.
- (C) An application for restoration of a certificate to practice as a radiologist assistant shall be considered complete upon the following:
- (1) The board has received the renewal fee specified in paragraph (A) of this rule;
 - (2) The monetary penalty required for restoration of a certificate to practice has been received by the board;
 - (3) The board has received all information required by division (B) of section 4774.06 of the Revised Code; and
 - (4) The applicant has complied with the requirements of paragraph (A) of rule 4774-2-02 of the Administrative Code and the board has received the results of the criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule 4774-2-02 of the Administrative Code.

- (D) To be considered as having appropriately filed an application for purposes of section 119.06 of the Revised Code, an applicant shall have filed, on or before January thirty-first of the even-numbered year in which the current certificate to practice will expire, a renewal application that is complete in accordance with the requirements of paragraph (C) of this rule.

4774-1-04

Miscellaneous provisions.

For purposes of Chapter 4774. of the Revised Code and rules promulgated there under:

- (A) An adjudication hearing held pursuant to the provisions of Chapter 119. of the Revised Code shall be conducted in conformance with the provisions of Chapter 4731-13 of the Administrative Code.
- (B) The provisions of Chapters 4731-13, 4731-14, 4731-15, 4731-16, 4731-17, 4731-19, 4731-26, and 4731-28 of the Administrative Code are applicable to the holder of a certificate to practice as a radiologist assistant issued pursuant to Chapter 4774. of the Revised Code, as though fully set forth in Chapter 4774-01 or 4774-02 of the Administrative Code.

4774-2-01

Definitions.

- (A) “Criminal records check” has the same meaning as in division (E) of section 109.572 of the Revised Code.
- (B) “BCI&I” means the “Ohio Bureau of Criminal Identification and Investigation.”
- (C) “FBI” means the “Federal Bureau of Investigation.”

4774-2-02

Criminal records checks.

(A) An applicant for an initial certificate to practice or for a restored certificate to practice pursuant to Chapter 4774. of the Revised Code, shall submit fingerprints, required forms, and required fees to BCI&I for completion of state and federal criminal records checks.

(1) An applicant who is present in Ohio shall use the services of an entity that has been designated by the Ohio attorney general to participate in the BCI&I and FBI program, pay any processing fee charged by the entity, and cause the entity to submit both of the following to BCI&I, with the "State Medical Board of Ohio" designated to receive the results:

(a) The applicant's electronic fingerprints; and

(b) The applicant's payment of fees charged for the state and federal criminal records checks.

(2) An applicant who resides in a state or jurisdiction other than Ohio shall either appear in Ohio in order to comply with the requirements of paragraph (A)(1) of this rule or request that the board send the forms required for a criminal records check to the applicant's address.

When an applicant requests that the required forms be mailed by the board, upon receipt of the forms the applicant shall have a local law enforcement agency process the forms. The applicant shall pay any processing fees charged by the local law enforcement agency and cause the local law enforcement agency to submit to BCI&I all of the following, with the "State Medical Board of Ohio" designated to receive the results:

(a) A fingerprint card bearing the prints of the applicant's ten fingers;

(b) The applicant's completed request for exemption from the electronic fingerprint submission requirement; and

(c) The applicant's payment of fees charged for state and federal criminal records checks.

(3) The applicant who submits the criminal records check via the fingerprint card bearing the prints of applicant's ten fingers, pursuant to paragraph (A)(2) of this rule, shall also ensure that any other forms required by the board are completed and submitted to the board.

- (B) The board shall maintain the criminal records check report in a manner that ensures the confidentiality of the results, prevents disclosure pursuant to a public records request, and complies with applicable state and federal requirements.
- (C) The board shall not accept the results of a criminal records check submitted by an entity other than BCI&I.
- (D) In reviewing the results of a criminal records check to determine whether the applicant should be granted an initial or restored certificate to practice, the board may consider all of the following:
 - (1) The nature and seriousness of the crime;
 - (2) The extent of the applicant's past criminal activity;
 - (3) The age of the applicant when the crime was committed;
 - (4) The amount of time that has elapsed since the applicant's last criminal activity;
 - (5) The conduct and work activity of the applicant before and after the criminal activity;
 - (6) Whether the applicant has completed the terms of any probation or deferred adjudication;
 - (7) Evidence of the applicant's rehabilitation;
 - (8) Whether the applicant fully disclosed the arrest or conviction to the board; and
 - (9) Any other factors the board considers relevant.