

CHAPTER 64E-3 RADIOLOGIC TECHNOLOGY

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64E-3.001 Fees.

The following fees are prescribed by the department:

- (1) The fee for initial application and a study guide for certification by examination as provided in Section 468.304, Florida Statutes, is 75 dollars plus the actual charge by the testing organization for the examination.
- (2) The fee for initial application without a study guide for certification by examination as provided in Section 468.304, Florida Statutes, is 50 dollars plus the actual charge by the testing organization for the examination.
- (3) The fee for initial application for certification by endorsement as provided in Section 468.3065, Florida Statutes, is 45 dollars.
- (4) The fee for subsequent examinations as provided in Section 468.306(4), Florida Statutes, is 35 dollars plus the actual charge by the testing organization for the examination.
- (5) The fee for renewal provided in Section 468.309(1), Florida Statutes, is 55 dollars for one certification category and 40 dollars for each additional certification category. The department will prorate the renewal fee for certificates expiring December 31, 1999 and December 31, 2000 to establish certificate expiration dates coinciding with the last day of the birth month of the certificateholder.
- (6) The fee for application for change from active to inactive status as provided in Section 468.3095, Florida Statutes, is 40 dollars.
- (7) The fee for late renewal as provided in Section 468.3095, Florida Statutes, is 100 dollars.
- (8) The fee for each duplicate certificate is 10 dollars.
- (9) The fee for listings and mailing labels of radiologic technologists, is \$0.05 for each name and \$55.00 for each setup.
- (10) For a study guide as provided in Section 468.304(4), Florida Statutes, 25 dollars.

Specific Authority 468.303, 468.3065, 468.309 FS. Law Implemented 119.07(1)(b), 455.587(6), 468.304, 468.306, 468.3065, 468.309, 468.3095 FS. History—New 10-1-84, Formerly 10D-74.40, Amended 3-21-88, 9-17-92, 11-6-94, Formerly 10D-74.040, Amended 10-28-99.

64E-3.002 Definitions.

- (1) “Approved educational or training program” means a program approved by an accrediting agency recognized and currently approved by the United States Department of Education or its successors to provide radiologic technology education programs”.
- (2) “General diagnostic radiographic and general fluoroscopic equipment” means any medical diagnostic X-ray system except computed tomography systems which, by design, is not limited to examinations of specific anatomical regions.
- (3) “General diagnostic radiographic and general fluoroscopic procedures” means those procedures other than angiography, arteriography, tomography, computed tomography, mobile radiography, digital vascular imaging, bronchography, fistulography, sialography, mammography, arthrography, lymphangiography, splenography, cholangiography, special procedures for the reproductive system, and those procedures performed in an operating room.
- (4) “Physical presence” means within the facility housing the equipment used by a basic X-ray machine operator.
- (5) “Positioning” means the correct placement of the human body part to the image detector or radiation source, and the correct alignment of the radiation equipment to the landmarks of the body, and the major anatomical structures.
- (6) “Rule” means Chapter 64E-3, Florida Administrative Code.
- (7) “Technique” means the equipment setting and procedure protocol used to produce a diagnostic image or to accomplish the desired results.
- (8) “Walk-in emergency center” means a facility which holds itself out to the public through published advertising as a walk-in emergency center, emergi-center, urgi-center, or walk-in center; indicates to the public that the facility is open to the public primarily for the purpose of providing emergency medical care; or any facility which uses any other title, designation or advertising indicating the same; and is not licensed under Chapter 395 or 641, Florida Statutes, or rules adopted thereunder.

(9) "Practice of radiologic technology" means the performance of activities requiring special knowledge and skills, including positioning, technique, safe operation of radiation equipment and radiation protection.

(10) "HIV/AIDS" means human immunodeficiency virus and acquired immune deficiency syndrome.

(11) "Assist with managing patients undergoing radiation therapy treatments" or "assist with radiation therapy technology duties" as specified in Section 468.302(3)(d), F.S., means performing radiation therapy tasks in which the general radiographer has been trained according to the program specified in paragraph 64E-3.0031(1)(b), F.A.C., and excluding those tasks prohibited in subsection 64E-3.0031(2), F.A.C. All assistance provided by a general radiographer must be physically checked and verified by the radiation therapy technologist before delivery of each treatment fraction.

(12) "Brachytherapy" means a method of radiation therapy in which sources of radioactive material are used to deliver radiation dose by surface, intracavitary, or interstitial application and excludes teletherapy.

(13) "Duties of a medical physicist" as specified in Section 468.302(3)(d), Florida Statutes, includes:

(a) Radiation beam calibration and characterization.

(b) Quality assurance, including dose rate verification; coincidence of light field to radiation beam; rotation; laser positioning; and operation of all interlocks, collision safety systems, optical distance indicators, and emergency switches.

(c) Instrument and device specification, acceptance testing, and commissioning.

(d) Image quality assessment and optimization of imaging systems and processes.

(e) Shielding design and protection analysis on radiation-emitting equipment and radiopharmaceuticals.

(f) Consultation and treatment planning with radiation oncologist to determine dose to be delivered.

(g) Consultation with radiation oncologist to assure accurate radiation dose to a specific patient.

(h) Informing radiation oncologist when critical structures appear to be reaching tolerance doses.

(i) Determination of dose delivered to patients.

(14) "Treatment planning" as specified in Section 468.302(3)(d), Florida Statutes, means the process by which the quantity and type of radiation to be delivered to the patient and the method of delivery are prescribed, characterized, modeled, shaped, verified, and documented to maximize the dose to the tumor volume while minimizing the dose to surrounding healthy tissue. Treatment planning includes determination of the need for and type of beam modifying devices; consultation with radiation oncologist, medical physicist, or dosimetrist to determine optimum fields to cover volume of interest; and determination of the accuracy of the proposed isodose plan and treatment prescription.

Specific Authority 381.0034, 468.303 FS. Law Implemented 381.0034, 468.302(3)(a), (b), 468.303, 468.304 FS. History—New 4-10-85, Formerly 10D-74.42, Amended 3-21-88, 9-17-92, 5-7-96, Formerly 10D- 74.042, Amended 7-16-02.

64E-3.0031 Radiation Therapy Assistance by General Radiographers.

(1) Before assisting with managing patients undergoing radiation therapy treatments or assisting with radiation therapy technology duties as specified in Section 468.302(3)(d), Florida Statutes, a general radiographer must submit the following documents to the department:

(a) An oath or affirmation stating their desire to assist with managing patients undergoing radiation therapy treatments and containing:

1. Their full name, birth date, general radiographer certificate number, mailing address, and phone number.

2. The full name, Florida certificate number, and ARRT registration number of the radiation therapy technologist who the general radiographer will assist.

3. The full name and Florida license number of the physician who will provide general supervision of the general radiographer.

(b) Proof of successful completion of a training program as specified in the Therapy Assistance by General Radiographer Training Program Curriculum dated March 21, 2002, which is herein incorporated by reference and available from the department, of at least 560 clock hours at a radiation therapy school accredited by the Joint Review Committee on Education in Radiologic Technology.

(2) In addition to the services specifically prohibited in Section 468.302(3)(d), Florida Statutes, the following functions cannot be delegated by the radiation therapy technologist or performed by the general radiographer because they reasonably could be expected to create an unnecessary danger to a patient's life, health, or safety:

(a) Determination and recording of factors used to calculate monitor units and exposure times.

(b) Calculation of the number of monitor units or exposure times for each prescribed treatment session.

(c) Positioning patients on treatment couch to reproduce set-ups indicated in treatment charts, using positioning aids, field markings, bolus, and immobilization devices.

(d) Positioning treatment machine and accessory equipment to reproduce set-ups indicated by approved treatment plans.

(e) Using wedges, shielding blocks, or compensators according to treatment plans.

(f) Delivering treatment by setting and activating controls on machine console.

(g) Having sole responsibility to monitor patient visually and by intercommunication systems during treatment.

(h) Having sole responsibility to monitor treatment machine console during treatment and to report malfunctions.

(i) Verifying treatment fields by taking portal films.

(j) Reviewing portal films with radiation oncologists for approval or field modifications and initiating field changes as indicated.

(k) Documenting changes in prescribed course of treatment.

(l) Documenting treatment dose in patient charts.

(m) Performing or assisting with the performance of brachytherapy.

Specific Authority 468.303 FS. Law Implemented 468.302(3)(d) FS. History–New 7-16-02.

64E-3.003 Qualifications for Examination.

(1) An applicant seeking approval to take the certification examination shall submit an application to the department on Form 1005, Mar 89, Application Form, furnished by the department and incorporated herein by reference. All applicants whose applications are received by the department at least 75 days prior to an examination will be admitted to the next examination. Applicants whose applications are received by the department less than 75 days prior to an examination are not assured of admittance to the next examination and may be scheduled for a later examination. The applicant must meet the qualifications prescribed by Section 468.304, Florida Statutes.

(a) If the applicant graduated from an approved educational or training program in Florida, verification of graduation, such as an official transcript or copy of diploma, must be provided with the application.

(b) If the applicant graduated from any other program, an official certified transcript from the applicant's program or equivalent documentation, which specifically sets forth all courses successfully completed, the date of the applicant's graduation, and degree, certificate, or diploma awarded must be provided with the application.

(c) If an applicant seeking to qualify to take the examination on the basis of education received in a country other than the United States can demonstrate a reason why an official transcript cannot be obtained, the Department may accept, in lieu of this requirement, evidence that the required course content in radiologic technology programs in the applicant's original country of licensure or certification was substantially equivalent to that required in Florida. Such evidence may include:

1. A license or registration to practice radiologic technology in a country other than the United States; or

2. Other official documents from the country of origin indicating that the applicant was licensed or eligible for licensure to practice radiologic technology in that country.

3. Documents in a foreign language must be accompanied by a certified translation in the English language.

(d) An applicant for the basic x-ray machine operator examination is not required to provide verification of graduation from an approved educational or training program.

(2) If an applicant has been convicted of any offense other than minor traffic violations, the applicant shall furnish information regarding the nature of the offense and final disposition of the case so that a determination can be made by the Department whether the offense related to the practice of radiologic technology or the ability to practice radiologic technology.

Specific Authority 468.303 FS. Law Implemented 468.304, 468.306(5) FS. History–New 4-10-85, Formerly 10D-74.43, Amended 3-21-88, 9-17-92, Formerly 10D-74.043.

64E-3.004 Practice of Radiologic Technology by Applicants for Certification by Examination.

(1) No applicant for certification by examination shall be permitted to practice radiologic technology unless:

(a) The applicant has submitted the required application and fee to the Department, and

(b) The applicant has received temporary certification.

(2) An applicant who fails the first, or any subsequent examination, shall not practice radiologic technology until such time as the applicant passes a radiologic technology certification examination.

(3) Any applicant who fails to appear for the first examination for which eligible shall not practice radiologic technology until such time as the applicant passes a subsequent certification examination.

Specific Authority 468.303 FS. Law Implemented 468.303, 468.305, 468.306, 468.307(2) FS. History–New 4-10-85, Formerly 10D-74.44, Amended 5-7-96, 12-12-96, Formerly 10D-74.044.

64E-3.005 Written Examinations.

All applicants for certification by examination shall pass the appropriate State of Florida examination in the certification category applied for before a certificate can be issued. The passing score shall be a 75 scaled score for all examinations except that of the basic X-ray machine operator examination which shall have a passing score of 65 percent.

Specific Authority 468.303 FS. Law Implemented 468.303, 468.306 FS. History–New 4-10-85, Formerly 10D-74.45, Amended 3-21-88, Formerly 10D-74.045, Amended 8-10-98.

64E-3.006 Certification by Endorsement.

(1) A radiologic technologist who desires to be certified to practice radiologic technology in Florida by endorsement must apply to the Department on Form 1005, provided by the Department and pay the required fee.

(2) The provisions of subsection 64E-3.003(2), Florida Administrative Code, must be satisfied. If the applicant has been denied radiologic technology licensure in another state, territory, or country, he shall submit to the department information pertaining to such action and its final disposition.

(3) To apply for endorsement pursuant to Section 468.3065, Florida Statutes, an applicant shall meet all requirements for eligibility to take the certification examination given by the department, and shall have successfully completed the examination of the American Registry of Radiologic Technologists with a scaled score of 75, or a state, regional, or national examination which is equivalent to the State of Florida examination. Such examination must meet the following standards:

- (a) The examination is developed using accepted psychometric procedures;
- (b) The content and passing score of the examination are equivalent to that of the examination of the State of Florida.
- (c) The security of the examination is maintained.
- (d) The examination is revised periodically to ensure the content is current.

Specific Authority 468.303 FS. Law Implemented 468.303, 468.304, 468.305, 468.308(2), 468.3101(1) FS. History—New 4-10-85, Formerly 10D-74.47, Amended 3-21-88, 5-7-96, 12-12-96, Formerly 10D-74.047.

64E-3.007 Bone Densitometry.

All active certificateholders except basic x-ray machine operators-podiatry and radiation therapy technologists may perform bone densitometry procedures with dedicated bone densitometers which use machine-produced radiation after completing a device-specific training program. All active radiation therapy technologists and nuclear medicine technologists may perform bone densitometry procedures with dedicated bone densitometers which use radioactive material after completing a device-specific training program.

Specific Authority 468.303 FS. Law Implemented 468.302(3)(d), (g) FS. History—New 9-17-92, Formerly 10D-74.0471.

64E-3.008 Continuing Education Requirements.

(1) Twelve contact hours of continuing education shall be required for renewal during each biennium for persons holding one or more certificates issued pursuant to Part IV, Chapter 468, Florida Statutes. Credit will not be approved for repeating a course during a biennium. The department will establish certification expiration dates corresponding to the last day of the birth month of the certificateholders and will prorate the number of continuing education hours required for those certificateholders who pay the prorated renewal fee specified in subsection 64E-3.001(5), Florida Administrative Code.

(2) Failure to comply with the continuing education requirement shall prohibit certification renewal and result in the certificate being placed on inactive status. A certificate may be reactivated in accordance with the provisions of Rule 64E-3.010, Florida Administrative Code, only upon completion of the continuing education requirement. Hours earned to complete the continuing education requirement to reactivate an inactive certificate may not be used toward completion of the continuing education requirement for the next biennium.

(3) Courses presented by other than approved providers outside the State of Florida can be submitted to the department for approval. Contact hours shall be awarded if the information submitted by the certificateholder documents that the courses attended are equivalent in quality to courses presented by approved providers.

(4) All certificateholders can be awarded contact hours for attendance at courses that are approved by a state or national radiologic technology organization which accredits continuing education.

(5) Proof of attendance shall be submitted to the department as outlined in Rule 64E-3.009, Florida Administrative Code.

Specific Authority 468.303, 468.309(1), (2), (3) FS. Law Implemented 468.309(1), (2), (3), (4), 468.3095 FS. History—New 4-10-85, Formerly 10D-74.51, Amended 3-21-88, 9-17-92, 5-7-96, Formerly 10D-74.051, Amended 10-28-99.

64E-3.009 Standards for Continuing Education Courses.

(1) Objectives of each continuing education course shall describe expected learner outcomes in behavioral terms, shall be able to be evaluated, shall be attainable, and shall be relevant to current radiologic technology practice.

(2) The content of each continuing education course shall be planned in logical order and reflect input from qualified persons in the subject matter. Appropriate subject matter for continuing education courses shall reflect the professional educational needs for the learner to meet the health care needs of the consumer and consist of content from one or more of the following:

- (a) Radiologic technology practice areas, such as:
 1. Digital Radiography,
 2. Operation of diagnostic and therapeutic equipment,
 3. Radiographic positioning,
 4. Film processing,
 5. Shielding and collimation,
 6. Computed tomography,
 7. Linear accelerators,
 8. Radiographic screens,
 9. Phototiming,

10. Portable radiography,
11. Contrast media studies,
12. Implant therapy,
13. Ultrasound,
14. Magnetic resonance imaging,
15. Angiography,
16. Cardiac catheterization;

- (b) Biological or physical sciences, such as radiation physics or radiation biology;
- (c) Management or administration of radiologic health care personnel, such as radiation protection and safety and dosimetry;

and

(d) Personal development subject matter, which must include application of content as it relates to improved patient care. A maximum of 3 continuing education hours in this area can be used for renewal requirements during each renewal cycle. The program may cover any topic which enhances technologist skills and improves patient care. If a course is longer than 3 hours, attendance at the entire course is required for credit.

(3) Learning experiences and teaching methods must be appropriate to achieve the objectives.

(4) Time allotted for each activity must be sufficient for the learner to meet the objectives.

(5) Principles of adult education must be used in determining teaching strategies and learning activities.

(6) Participants must be given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the course.

(7) All courses shall be at least 50 minutes in length for one contact hour. Increments of 25 minutes in length for 1/2 contact hour will be accepted when the course extends beyond one contact hour.

(8) Programs shall have a stated, long term, coordinated plan for providing continuing education courses based on data related to specific characteristics of its learner population, including learner needs and methods of assessing these needs. There shall be a tangible plan for ongoing evaluation of the program content, faculty, learning process and evaluation tools. Evaluation data will be analyzed and the conclusions used in program planning, design, and continuity.

(9) A provider seeking approval of a course shall:

(a) Make application on Form 374, Jan 92, provided by the department and incorporated herein by reference, 30 days prior to the date the course begins and provide a course description.

(b) Notify the department of any changes of the contact persons.

(c) Determine criteria for successful completion of the course and make this information available to participants before the course.

(d) Provide evidence that the faculty for the course is qualified through education and experience in the subject to be presented.

(e) Designate a person responsible for continuing education courses for radiologic technologists.

(f) Identify a target audience for each course.

(g) Document the course is current and accurate by references or bibliography.

(h) Establish written policies and procedures to implement the continuing education program.

(i) Maintain records of individual course information for 3 years.

(j) Send to the department a roster of participants no later than 15 days following each course on Form 406, Mar 95, provided by the department and incorporated herein by reference. Providers shall maintain security of attendance records.

(k) Furnish each participant written verification of attendance, including:

1. Date of course;
2. Signature and name of provider;
3. Provider number;
4. Course title;
5. Number of hours; and
6. Name of participant.

(10) Approval of a course can be granted for 36 months.

Specific Authority 468.303, 468.309(1) FS. Law Implemented 468.303, 468.309(1) FS. History—New 4-10-85, Formerly 10D-74.52, Amended 9-17-92, 5-7-96, 12-12-96, Formerly 10D-74.052.

64E-3.010 Reactivation of Inactive Certificates.

(1) The continuing education requirements to reactivate an inactive certificate are:

(a) If the certificate has been inactive for less than two years, 12 continuing education contact hours shall be accrued.

(b) If the certificate has been inactive for more than two years, 3 continuing education contact hours shall be accrued for each 6 months the certificate has been inactive.

(c) Continuing education hours used to reactivate a certificate must be accrued during the 24 months prior to reactivation and must be in addition to continuing education hours used for renewal of the certificate.

(2) A certificateholder who has previously paid the inactive fee may reactivate his certificate by request to the Department, payment of the renewal fee, and verification that he has met the provisions of subsection 64E-3.010(1), Florida Administrative Code.

(3) A certificateholder who has not previously paid the inactive fee may reactivate his certificate by request to the Department, payment of the renewal fee and the late renewal fee, and verification that he has met the provisions of subsection 64E-3.010(1), Florida Administrative Code.

Specific Authority 468.303, 468.309(1), 468.3095 FS. Law Implemented 468.303, 468.309(1), 468.3095 FS. History--New 4-10-85, Formerly 10D-74.55, 10D-74.055.

64E-3.011 Disciplinary Guidelines.

(1) The department can take disciplinary action upon a determination that a certificateholder or employer:

(a) Procures, attempts to procure, or renews a certificate to practice radiologic technology by bribery or by fraudulent misrepresentation. The penalty for this offense is an administrative fine of \$125 and ineligibility for certification for 1 year for an initial certification and an administrative fine of \$125, suspension for 1 year, and the obtaining of 30 additional continuing education hours for a renewal certification.

(b) Fails to inform the department of disciplinary action taken against his certificate to practice as a radiologic technologist in another state. The penalty for this offense is suspension of the certificate until the disciplinary action in the other state has been satisfied.

(c) Is found guilty of a crime regardless of adjudication which directly relates to the practice or ability to practice or who has pled nolo contendere in such a case. The penalty for the first occurrence is an administrative fine of \$250, the penalty for a second occurrence is an administrative fine of \$500, and the penalty for each subsequent occurrence is an administrative fine of \$1,000.

(d) Has misrepresented the facts on the patient records, including patient charts, or on applications for employment as a radiologic technologist. The penalty for the first occurrence is an administrative fine of \$250, the penalty for a second occurrence is an administrative fine of \$500, and the penalty for each subsequent occurrence is an administrative fine of \$1,000.

(e) Is guilty of unprofessional conduct which shall include:

1. Inaccurate recording, falsifying or altering of patient records. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

2. Administering radiation in a negligent manner. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

3. Misappropriating supplies, equipment or drugs. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

4. Leaving a radiologic technology assignment before properly advising appropriate personnel. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

5. Violating the confidentiality of information concerning a patient. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

6. Discriminating on the basis of race, creed, religion, sex, age or national origin, in the rendering of radiologic technology services as it relates to human rights and dignity of the individuals. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

7. Engaging in fraud, misrepresentation, or deceit in taking the certification examination. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

8. Aiding and abetting the practice of radiologic technology by any person not certified. The penalty for the first occurrence is an administrative fine of \$250, the penalty for a second occurrence is an administrative fine of \$500, and the penalty for each subsequent occurrence is an administrative fine of \$1,000.

9. Practicing radiologic technology in the State of Florida without a current certificate. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

10. Impersonating any applicant or acting as proxy for the applicant in any examination required for the issuance of a certificate. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

11. Impersonating another certificateholder or permitting another person to use his certificate. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

12. Negligently practicing radiologic technology, either by omission or commission. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

(f) Is habitually intemperate, addicted, in illegal possession, sale or distribution of habit-forming drugs. The penalty for habitual intemperance or addiction is suspension of the certificate until a rehabilitation program has been completed. The penalty for illegal possession, sale, or distribution of habit-forming drugs is specified in Chapter 893, Florida Statutes.

(g) Is unfit or incompetent by reasons of gross negligence, physical or mental condition, or other like causes which could result in behavior that interferes in his practice of radiologic technology. The penalty for this offense is suspension of the certificate until 30 hours of continuing education have been completed or the physical or mental condition has been eliminated.

(h) Fails to inform the department of any deviation from the prevailing and acceptable standard of radiologic technology practice by another person certified to practice in this state, or of any other violation of Part IV, Chapter 468, Florida Statutes, or the regulations promulgated thereto. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

(i) Is guilty of continued action after notice by the department, disregard of the expiration date of the certificate or providing false or incorrect information to the employer regarding the status of the certificate. The penalty for the first occurrence is an administrative fine of \$125, the penalty for a second occurrence is an administrative fine of \$250, and the penalty for each subsequent occurrence is an administrative fine of \$500.

(j) Fails to complete an HIV/AIDS education program. The penalty for this offense is an administrative fine of \$125 and completion of an HIV/AIDS education program.

(2) The Department may impose disciplinary actions, including revocation, suspension, probation, reprimands, or fines up to a maximum amount of \$1,000.00 for each violation, upon any licensee found guilty of a violation of Chapter 468, Florida Statutes, or this regulation. The Department shall take into consideration the following factors in determining the appropriate disciplinary action to be imposed:

- (a) The severity of the offense;
- (b) The danger to the public;
- (c) The number of repetitions of offenses;
- (d) The length of time since the date of violation;
- (e) The length of time the certificateholder has practiced;
- (f) The actual damage, physical or otherwise, to the patient;
- (g) The deterrent effect of the penalty imposed;
- (h) The effect of the penalty upon the certificateholder's livelihood;
- (i) Any efforts for rehabilitation.

(3) A certificateholder whose certificate has been revoked or suspended may apply for reinstatement after the time of revocation or suspension has passed. Such application shall include documentation that all terms and conditions established at the time of revocation or suspension have been met.

Specific Authority 381.0034, 468.303, 468.3101(4), 893.11, 893.13 FS. Law Implemented 381.0034, 468.3101(4), 893.11, 893.13 FS. History—New 4-10-85, Formerly 10D-74.58, Amended 3-21-88, 9-17-92, 5-7-96, Formerly 10D-74.058.