

August 14, 2013

Terry Dwelle, M.D., M.P.H.T.M.
State Health Officer
North Dakota Department of Health
600 East Boulevard Avenue
Bismarck, ND 58505-0200

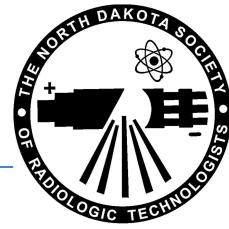
Dear Dr. Dwelle,

The North Dakota Society of Radiologic Technologists is requesting a waiver for General Diagnostic X-ray Operators to take and record telephone and verbal orders in the patient's medical record. This waiver is in regards to N.D.A.C. 33-07-01.1-20(1)(i)(2) which requires all entries in the medical record to be authenticated by the individual making the entry and further states that telephone and verbal orders may be used if they are given only to qualified licensed personnel. Within this Chapter of the N.D.A.C., the Department has no definition for "qualified licensed personnel."

General Diagnostic X-ray Operators (Radiologic Technologists) are not licensed in North Dakota. The Department has established minimum training requirements for operators of X-ray machines (N.D.A.C. 33-10-06-03.1.a(2)(a)) thereby defining the term qualified for this profession. The Department does not charge a fee and does not issue a license to these individuals. The Department utilizes the national certification body of The American Registry of Radiologic Technologists (ARRT) for Radiologic Technologists to determine qualified. The ARRT professional code of ethics prohibits a Radiologic Technologist (RT) from knowingly conducting illegal activities.

A June 2011 interpretation by the North Dakota Attorney Generals' office interpreted the term qualified to relate to the person's knowledge or experience in medical and health care matters. In part, it stated that it would be reasonable to conclude that when a radiologic technologist is acting to record telephone and verbal orders under N.D.A.C. and the orders and instructions are within the professional scope of duties of the radiologic technologist, they are qualified. The American Society of Radiologic Technologists (ASRT) includes the receiving and documenting of verbal orders in the patients' medical record as being within the scope of practice. (See attachment: [ASRT Verbal Orders scope of Practice FAQ](#))

N.D.A.C. Section 33-07-01.1-03 contains a waiver provision. This law was implemented under N.D.C.C. Chapter 23-16 and provides the North Dakota State Department of Health with the ability to wave rule requirements which do not adversely affect the health and safety of the patient. This rule was promulgated in 1994 and radiologic technologists have been accepting and recording verbal orders for many years. **There are no documented negative impact examples which support the exclusion of this activity by registered radiologic technologists.**



If this requirement is not waived, health care will be delayed and in some cases may be deemed inappropriate to patient care. Please consider a waiver to this requirement for a period of 5 years. Hopefully the North Dakota Department of Health and the profession may come to an agreement of terms, within this time frame, which would legally allow this important healthcare activity.

If you wish to discuss this matter further, feel free to contact me. We would appreciate a timely response to this request. Please send your ruling to me at the address below.

Sincerely,

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cc: Darlene Bartz

cc: Terry O'Clair