

## § 75.1

1981, Pub. L. 97-35, 95 Stat. 599-600 (42 U.S.C. 10004).

SOURCE: 50 FR 50717, Dec. 11, 1985, unless otherwise noted.

### § 75.1 Background and purpose.

(a) The purpose of these regulations is to implement the provisions of section 979 of the Consumer-Patient Radiation Health and Safety Act of 1981, 42 U.S.C. 10004, which requires the establishment by the Secretary of Health and Human Services of standards for the accreditation of programs for the education of certain persons who administer radiologic procedures and for the credentialing of such persons.

(b) Section 979 requires the Secretary, after consultation with specified Federal agencies, appropriate agencies of States, and appropriate professional organizations, to promulgate by regulation the minimum standards described above. These standards distinguish between the occupations of (1) radiographer, (2) dental hygienist, (3) dental assistant, (4) nuclear medicine technologist, and (5) radiation therapy technologist. In the interest of public safety and to prevent the hazards of improper use of medical radiation identified by Congress in its determination of the need for standards, the Secretary is also authorized to prepare standards for other occupational groups utilizing ionizing and non-ionizing radiation as he/she finds appropriate. However, the standards set out below are limited to the five occupational groups listed above, utilizing ionizing radiation. Nothing in these accreditation standards is intended to discriminate against proprietary schools.

### § 75.2 Definitions.

All terms not defined herein shall have the meaning given them in the Act. As used in this part:

*Accreditation*, as applied to an educational program, means recognition, by a State government or by a nongovernmental agency or association, of a specialized program of study as meeting or exceeding certain established qualifications and educational standards. As applied to a health care or educational institution, *accreditation* means recognition, by a State govern-

## 42 CFR Ch. I (10-1-06 Edition)

ment or by a nongovernmental agency or association, of the institution as meeting or exceeding certain established standards or criteria for that type of institution.

*Act* means the Consumer-Patient Radiation Health and Safety Act of 1981, 42 U.S.C. 10001-10008.

*Continuing competency* means the maintenance of knowledge and skills and/or demonstrated performance that are adequate and relevant to professional practice needs.

*Credentialing* means any process whereby a State Government or nongovernmental agency or association grants recognition to an individual who meets certain predetermined qualifications.

*Dental hygienist* means a person licensed by the State as a dental hygienist.

*Dental assistant* means a person other than a dental hygienist who assists a dentist in the care of patients.

*Educational program* means a set of formally structured activities designed to provide students with the knowledge and skills necessary to enter an occupation, with evaluation of student performance according to predetermined objectives.

*Energized laboratory* means any facility which contains equipment that generates ionizing radiation. This does not include facilities for training students when the equipment is not powered to emit ionizing radiation, e.g., practice in setting controls and positioning of patients.

*Formal training* means training or education, including either didactic or clinical practicum or both, which has a specified objective, planned activities for students, and suitable methods for measuring student attainment, and which is offered, sponsored, or approved by an organization or institution which is able to meet or enforce these criteria.

*Ionizing radiation* means any electromagnetic or particulate radiation (X-rays, gamma rays, alpha and beta particles, high speed electrons, neutrons, and other nuclear particles) which interacts with atoms to produce ion pairs in matter.

*Licensed practitioner* means a licensed doctor of medicine, osteopathy, dentistry, podiatry, or chiropractic.

*Licensure* means the process by which an agency of State government grants permission to persons meeting predetermined qualifications to engage in an occupation.

*Nuclear medicine technologist* means a person other than a licensed practitioner who prepares and administers radio-pharmaceuticals to human beings and conducts *in vivo* or *in vitro* detection and measurement of radioactivity for medical purposes.

*Permit* means an authorization issued by a State for specific tasks or practices rather than the entire scope of practice in an occupation.

*Radiation therapy technologist* means a person other than a licensed practitioner who utilizes ionizing radiation-generating equipment for therapeutic purposes on human subjects.

*Radiographer* means an individual other than a licensed practitioner who (1) performs, may be called upon to perform, or who is licensed to perform a comprehensive scope of diagnostic radiologic procedures employing equipment which emits ionizing radiation, and (2) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, or other procedures which contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed. Radiographers are distinguished from personnel whose use of diagnostic procedures is limited to a few specific body sites and/or standard procedures, from those personnel in other clinical specialties who may occasionally be called upon to assist in diagnostic radiology, and from those technicians or assistants whose activities do not, to any significant degree, determine the site or dosage of radiation to which a patient is exposed.

*Radiologist* means a physician certified in radiology by the American Board of Radiology or the American Osteopathic Board of Radiology.

### § 75.3 Applicability.

(a) *Federal Government*. Except as provided in section 983 of the Act, the credentialing standards set out in the Appendixes to this part apply to those individuals who administer or propose to administer radiologic procedures, in each department, agency and instrumentality of the Federal Government as follows:

(1) *Radiographer Standards* apply to all individuals who are radiographers as defined in §75.2 and who are not practitioners excepted by the Act.

(2) *Nuclear Medicine Technologist Standards* apply to all individuals who are nuclear medicine technologists as defined in §75.2, who perform *in vivo* nuclear medicine procedures, and who are not practitioners excepted by the Act. For purposes of this Act, any administration of radiopharmaceuticals to human beings is considered an *in vivo* procedure.

(3) *Radiation Therapy Technologist Standards* apply to all individuals who perform radiation therapy and who are not practitioners excepted by the Act.

(4) *Dental Hygienist Standards* apply to all dental hygienists who perform dental radiography.

(5) *Dental Assistant Standards* apply to all dental assistants who perform dental radiography.

(6) The following persons are deemed to have met the requirements of these standards:

(i) Persons employed by the Federal government as radiologic personnel prior to the effective date of this regulation and who show evidence of current or fully satisfactory performance or certification of such from a licensed practitioner:

(ii) Uniformed military personnel who receive radiologic training from or through the Armed Forces of the United States and who meet standards established by the Department of Defense or components thereof, provided that those standards are determined by such Department or component to offer equivalent protection of patient health and safety:

(iii) Foreign national employed by the Federal government in positions outside of the United States who show evidence of training, experience, and