

APPENDIX B

The American Registry of Radiologic Technologists (ARRT)

STANDARDS OF ETHICS

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PREAMBLE

The Standards of Ethics of The American Registry of Radiologic Technologists shall apply solely to persons holding certifications from ARRT and who either hold current registrations by ARRT or formerly held registrations by ARRT (collectively, "Registered Technologists"), and to persons applying for examination and certification by ARRT in order to become Registered Technologists ("Applicants"). The Standards of Ethics are intended to be consistent with the Mission Statement of ARRT, and to promote the goals set forth in the Mission Statement.

A. CODE OF ETHICS

The Code of Ethics forms the first part of the Standards of Ethics. The Code of Ethics shall serve as a guide by which Registered Technologists and Applicants may evaluate their professional conduct as it relates to patients, health care consumers, employers, colleagues, and other members of the health care team. The Code of Ethics is intended to assist Registered Technologists and Applicants in maintaining a high level of ethical conduct and in providing for the protection, safety and comfort of patients. The Code of Ethics is aspirational.

1. The Radiologic Technologist conducts himself/herself in a professional manner, responds to patient needs and supports colleagues and associates in providing quality patient care.
2. The Radiologic Technologist acts to advance the principal objective of the profession to provide services to humanity with full respect for the dignity of mankind.
3. The Radiologic Technologist delivers patient care and service unrestricted by the concerns of personal attributes or the nature of the disease or illness, and without discrimination regardless of sex, race, creed, religion, or socioeconomic status.
4. The Radiologic Technologist practices technology founded upon theoretical knowledge and concepts, utilizes equipment and accessories consistent with the purposes for which they have been designed, and employs procedures and techniques appropriately.

5. The Radiologic Technologist assesses situations, exercises care, discretion and judgment, assumes responsibility for professional decisions, and acts in the best interest of the patient.
6. The Radiologic Technologist acts as an agent through observation and communication to obtain pertinent information for the physician to aid in the diagnosis and treatment management of the patient, and recognizes that interpretation and diagnosis are outside the scope of practice for the profession.
7. The Radiologic Technologist utilizes equipment and accessories, employs techniques and procedures, performs services in accordance with an accepted standard of practice, and demonstrates expertise in minimizing the radiation exposure to the patient, self, and other members of the health care team.
8. The Radiologic Technologist practices ethical conduct appropriate to the profession, and protects the patient's right to quality Radiologic technology care.
9. The Radiologic Technologist respects confidences entrusted in the course of professional practice, respects the patient's right to privacy, and reveals confidential information only as required by law or to protect the welfare of the individual or the community.
10. The Radiologic Technologist continually strives to improve knowledge and skills by participating in educational and professional activities, sharing knowledge with colleagues and investigating new and innovative aspects of professional practice. One means available to improve knowledge and skill is through professional continuing education.

B. RULES OF ETHICS

The Rules of Ethics form the second part of the Standards of Ethics. They are mandatory and directive specific standards of minimally acceptable professional conduct for all present Registered Technologists and Applicants. Certification is a method of assuring the medical community and the public that an individual is qualified to practice within the profession. Because the public relies on certificates and registration issued by ARRT, it is essential that Registered Technologists and Applicants act consistently with these Rules of Ethics. These Rules of Ethics are intended to promote the protection, safety and comfort of patients. The Rules of Ethics are enforceable. Registered Technologists and Applicants engaging in any of the following conduct or activities, or who permit the occurrence of the following conduct or activities with respect to them, have violated the Rules of Ethics and are subject to sanctions as described hereunder:

1. Employing fraud or deceit in procuring or attempting to procure, maintain, renew, or obtain reinstatement of (i) any document issued by ARRT; or (ii) employment in Radiologic technology or a state permit, license, or registration certificate to practice Radiologic technology, such as by altering in any respect any document issued by ARRT.
2. Subverting or attempting to subvert ARRT's examination process. Conduct that subverts or attempts to subvert ARRT's examination process includes, but is not limited to:

- (i) conduct that violates the security of ARRT examination materials, such as removing examination materials from an examination room, or having unauthorized possession of any portion of or information concerning a future, current, or previously administered examination of ARRT, or disclosing information concerning any portion of a future, current, or previously administered examination of ARRT, or disclosing what purports to be, or under all circumstances is likely to be understood by the recipient as, any portion of or "inside" information concerning any portion of a future, current, or previously administered examination of ARRT:
 - (ii) conduct that in any way compromises ordinary standards of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials: or
 - (iii) Impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.
- 3. Conviction of a crime, including a felony, a gross misdemeanor, or a misdemeanor with the sole exception of speeding and parking violations. All alcohol and/or drug related violations must be reported. Conviction as used in this provision includes a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered, or a criminal proceeding where the individual enters a plea of guilty or nolo contendere.
- 4. Failure to report to the ARRT that charges regarding the person's permit, license, or registration certificate to practice Radiologic technology are pending or have been resolved adversely to the individual in any state, territory, or country, or that the individual has been refused a permit, license, or registration certificate to practice Radiologic technology by another state, territory, or country.
- 5. Failure or inability to perform Radiologic technology with reasonable skill and safety.
- 6. Engaging in unprofessional conduct, including, but not limited to, (i) a departure from or failure to conform to applicable federal, state, or local governmental rules regarding Radiologic technology practice, or, if no such rule exists, to the minimal standards of acceptable and prevailing Radiologic technology practice, or, (ii) any Radiologic technology practice that may create unnecessary danger to a patient's life, health, or safety. Actual injury to a patient need not be established under this clause.
- 7. Delegating or accepting the delegation of a Radiologic technology function or any other prescribed health care function when the delegation or acceptance could reasonably be expected to create an unnecessary danger to a patient's life, health, or safety. Actual injury to a patient need not be established under this clause.

8. Actual or potential inability to practice Radiologic technology with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of any mental or physical condition.
9. Adjudication as mentally incompetent, mentally ill, a chemically dependent person, or a person dangerous to the public by a court of competent jurisdiction.
10. Engaging in any unethical conduct, including, but not limited to, conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established under this clause.
11. Engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient, or engaging in sexual exploitation of a patient or former patient. This does not apply to pre-existing consensual relationships.
12. Revealing a privileged communication from or relating to a patient, except when otherwise required or permitted by law.
13. Knowingly engaging or assisting any person to engage in or otherwise participating in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws.
14. Improper management of patient records, including failure to maintain adequate patient records or to furnish a patient record of report required by law or making or causing or permitting anyone to make false, deceptive, or misleading entry in any patient record.
15. Knowingly aiding, assisting, advising, or allowing a person without a current and appropriate state permit, license, or registration certificate or a current certificate of registration with ARRT to engage in the practice of Radiologic technology, in a jurisdiction which requires a person to have such a current and appropriate state permit, license, or registration certificate or a current and appropriate certification of registration with ARRT in order to practice Radiologic technology in such jurisdiction.
16. Violating a rule adopted by any state board with competent jurisdiction, an order of such board, or state or federal law relating to the practice of Radiologic technology, or a state or federal narcotics or controlled substance law.
17. Knowingly providing false or misleading information that is directly related to the care of a patient.
18. Practicing outside the scope of practice authorized by the individual's current state permit, license, or registration certificate or the individual's current certificate of registration with ARRT.
19. Making a false statement or knowingly providing false information to ARRT or failing to cooperate with any investigation of ARRT or the Ethics Committee.

20. Engaging in false, fraudulent, deceptive, or misleading communications to any person regarding the individual's education, training, credentials, experience, or qualifications, or the status of the individual's state permit, license, or registration certificate in Radiologic technology or certificate of registration with ARRT.

C. ADMINISTRATIVE PROCEDURES

These Administrative Procedures provide for the structure and operation of the Ethics Committee; they detail procedures followed by the Ethics Committee and by the Board of Trustees of ARRT in handling challenges raised under the Rules of Ethics, and in handling matters relating to the denial of an application for examination (for reasons other than failure to meet the criteria as stated in Article II, Sections 2.02 and 2.03 of the Rules and Regulations of ARRT, in which case, there is no right to a hearing) or the denial of renewal or reinstatement of a registration. All Registered Technologists and Applicants are required to comply with these Administrative Procedures; the failure to cooperate with the Ethics Committee or the Board of Trustees in a proceeding on a challenge may be considered by the Ethics Committee and by the Board of Trustees according to the same procedures and with the same sanctions as failure to observe the Rules of Ethics.

1. Ethics Committee

- (a) **Membership and Responsibilities of the Ethics Committee.** The President, with the approval of the Board of Trustees, appoints at least three (3) Trustees to serve as members of the Ethics Committee, each such person to serve on the Committee until removed and replaced by the President, with the approval of the Board of Trustees, at any time, with or without cause. The Ethics Committee is responsible for (1) investigating each alleged breach of the Rules of Ethics and determining whether a Registered Technologist or Applicant has failed to observe the Rules of Ethics in the Standards, and determining an appropriate sanction; and (2) assessing the Code of Ethics, Rules of Ethics and Administrative Procedures in the Standards periodically and recommending any amendments to the Board of Trustees.
- (b) **The Chair of the Ethics Committee.** The President, with the approval of the Board of Trustees appoints one (1) member of the Ethics Committee as the Committee's Chair to serve for a term of two (2) years as the principal administrative officer responsible for management of the promulgation, interpretation and enforcement of the Standards of Ethics. The President may remove and replace the Chair of the Committee, with the approval of the Board of Trustees, at any time, with or without cause. The Chair presides and participates in meetings of the Ethics Committee and is responsible directly and exclusively to the Board of Trustees; using staff, legal counsel and other resources necessary to fulfill the responsibilities of administering the Standards of Ethics.
- (c) **Preliminary Screening of Potential Violation of the Rules of Ethics.** The Chair of the Ethics Committee shall review each alleged violation of the Rules of Ethics, which is brought to the attention of the Ethics Committee. If in the sole discretion of the Chair there is (1) insufficient information upon which to base a charge of a violation of the Rules of Ethics, or (2) the allegations against the Registered Technologist or Applicant are patently frivolous or inconsequential, or (3) the allegations if true would not constitute a violation of the Rules of Ethics, the Chair may summarily dismiss the matter. The Chair may be assisted by staff and/or legal

counsel of ARRT. The Chair shall report each such summary dismissal to the Ethics Committee.

- (d) **Alternative Dispositions.** At the Chair's direction and upon request, the Executive Director of ARRT shall have the power to investigate allegations and to enter into negotiations with the Registered Technologist or Applicant regarding the possible settlement of an alleged violation of the Rules of Ethics. The Executive Director may be assisted by staff members and/or legal counsel of ARRT. The Executive Director is not empowered to enter into a binding settlement, but rather may recommend a proposed settlement to the Ethics Committee. The Ethics Committee may accept the proposed settlement, make a counter proposal to the Registered Technologist or Applicant, or reject the proposed settlement and proceed under these Administrative Procedures.

2. Hearings

Whenever the ARRT proposes to take action in respect to the denial of an application for examination (for reasons other than failure to meet the criteria as stated in Article II, Sections 2.02 and 2.03 of the Rules and Regulations of ARRT, in which case, there is no right to a hearing) or of an application for renewal or reinstatement of a registration, or in connection with the revocation or suspension of a certificate or registration, or the censure of a Registered Technologist for an alleged violation of the Rules of Ethics, it shall give written notice thereof to such person specifying the reasons for such proposed action. A Registered Technologist or an Applicant to whom such notice is given shall have thirty (30) days from the date the notice of such proposed action is mailed to make a written request for a hearing. A non-refundable hearing fee in the amount of \$100.00 must accompany the written request for a hearing. In rare cases, the hearing fee may be waived, in whole or in part, at the sole discretion of the Ethics Committee.

Failure to make a written request for a hearing and to remit the hearing fee (unless the hearing fee is waived in writing by ARRT) within such period shall constitute a consent to the action taken by the Ethics Committee or the Board of Trustees pursuant to such notice. A Registered Technologist or an Applicant who requests a hearing in the manner prescribed above shall advise the Ethics Committee of his or her intention to appear at the hearing. A Registered Technologist or an Applicant who requests a hearing may elect to appear by a written submission, which shall be verified or acknowledged under oath. Failure to appear at the hearing or to supply a written submission in response to the charges shall be deemed a default on the merits and shall be deemed consent to whatever action or disciplinary measures which the Ethics Committee determines to take. Hearings shall be held at such date, time and place as shall be designated by the Ethics Committee or the Executive Director. The Registered Technologist or the Applicant shall be given at least thirty (30) days notice of the date, time and place of the hearing.

The hearing is conducted by the Ethics Committee with any three (3) or more of its members participating, other than any member of the Ethics Committee whose professional activities are conducted at a location in the approximate area of the Registered Technologist or the Applicant in question. In the event of disqualification, the President may appoint a trustee to serve on the Ethics Committee for the sole purpose of participating in the hearing and rendering a decision. At the hearing, ARRT shall present the charges against the Registered Technologist or Applicant in question, and the facts and evidence of ARRT in respect to the basis or bases for the proposed action or disciplinary measure.

Legal counsel may assist the Ethics Committee. The Registered Technologist or Applicant in question, by legal counsel or other representative if he or she desires (at the sole expense of the Registered Technologist or Applicant in question), shall have the right to call witnesses, present testimony and be heard in his or her own defense, to hear the testimony of and cross-examine any witnesses appearing at such hearing, and to present such other evidence or testimony as the Ethics Committee shall deem appropriate to do substantial justice. Any information may be considered which is relevant or potentially relevant. The Ethics Committee shall not be bound by any state or federal rules of evidence. A transcript or an audio recording of the hearing is made. The Registered Technologist or Applicant in question shall have the right to submit a written statement at the close of the hearing.

In a case where ARRT proposes to take action in respect to the denial of an application for examination (for reasons other than failure to meet the criteria as stated in Article II, Sections 2.02 and 2.03) or the denial of renewal or reinstatement of a registration, the Ethics Committee shall assess the evidence presented at the hearing and make its decision accordingly, and shall prepare written findings of fact and its determination as to whether grounds exist for the denial of an application for examination or renewal or reinstatement of a registration, and shall promptly transmit the same to the Board of Trustees and to the Registered Technologist or Applicant in question.

In the case of alleged violations of the Rules of Ethics by a Registered Technologist, the Ethics Committee shall assess the evidence presented at the hearing and make its decision accordingly, and shall prepare written findings of fact and its determination as to whether there has been a violation of the Rules of Ethics and, if so, the appropriate sanction, and shall promptly transmit the same to the Board of Trustees and to the Registered Technologist in question. Potential sanctions include denial of renewal or reinstatement of a registration with ARRT, revocation or suspension of a certification or registration, or both, with ARRT, or the public or private reprimand of a Registered Technologist.

Unless a timely appeal from any findings of fact and determination by the Ethics Committee is taken to the Board of Trustees in accordance with paragraph three (3) below, the Ethics Committee's findings of fact and determination in any matter (including the specified sanction) shall be final and binding upon the Registered Technologist or Applicant in question.

3. Appeals

Within thirty (30) days after the decision of the Ethics Committee is mailed, the Registered Technologist or Applicant may appeal to the Board of Trustees any decision of the Ethics Committee. In the event of an appeal, those Trustees who participated in the hearing at the Ethics Committee shall not participate in the appeal. The remaining members of the Board of Trustees shall consider the decision of the Ethics Committee, the files and records of ARRT applicable to the case at issue, and any written appellate submission of the Registered Technologist or Applicant in question, and shall determine whether to affirm or to overrule the decision of the Ethics Committee or to remand the matter to the Ethics Committee for further consideration. In making such determination to affirm or to overrule, findings of fact made by the Ethics Committee shall be conclusive if supported by any evidence. The Board of Trustees may grant re-hearings, or hear additional evidence, or request that ARRT or the Registered Technologist or Applicant in question provide additional information, in such matter, on such issues, and within such time as it may prescribe.

All hearings and appeals provided for herein shall be private at all stages. It shall be considered an act of professional misconduct for any Registered Technologist or Applicant to make an unauthorized publication or revelation of the same, except to his or her attorney or other representative, immediate superior or employer.

4. Publication of Adverse Decisions

Final decisions (which are those decisions of the Ethics Committee from which no appeal is taken within the time specified or, in cases involving an appeal, decisions by the Board of Trustees) which are adverse to the Registered Technologist or Applicant will be communicated to the appropriate authorities of all states, and provided in response to inquires into a person's registration status. ARRT shall also have the right to publish any adverse decisions, and the reasons therefore.

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