TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 3 RADIATION PROTECTION
PART 20 RADIOLOGIC TECHNOLOGY CERTIFICATION

20.3.20.1 ISSUING AGENCY: Environmental Improvement Board.
[20.3.20.1 NMAC - Rp, 20 NMAC 3.2.I.100, 8/31/2005]

20.3.20.2 SCOPE: All persons engaged in the practice of radiologic technology in the application of ionizing radiation.
[20.3.20.2 NMAC - Rp, 20 NMAC 3.2.I.101, 8/31/2005]

20.3.20.3 STATUTORY AUTHORITY: Medical Radiation Health and Safety Act, Sections 61-14E-1 to 61-14E-12 NMSA 1978 and Section 74-1-8 NMSA 1978.
[20.3.20.3 NMAC - Rp, 20 NMAC 3.2.I.102, 8/31/2005]

20.3.20.4 DURATION: Permanent.
[20.3.20.4 NMAC - Rp, 20 NMAC 3.2.I.103, 8/31/2005]

20.3.20.5 EFFECTIVE DATE: August 31, 2005, unless a later date is cited at the end of a section.
[20.3.20.5 NMAC - Rp, 20 NMAC 3.2.I.104, 8/31/2005]

20.3.20.6 OBJECTIVE: To maximize the protection practicable for the citizens of New Mexico from the harmful effects of ionizing radiation in the practice of the healing arts by establishing requirements for appropriate education and training of persons operating medical equipment emitting ionizing radiation, establishing standards of education and training for the persons who administer radiologic procedures and providing for the appropriate examination and certification of those persons.
[20.3.20.6 NMAC - Rp, 20 NMAC 3.2.I.105, 8/31/2005]

20.3.20.7 DEFINITIONS: As used in this part (20.3.20 NMAC).

A. "ACLS" means advanced cardiac life support.

B. "ACRRT" means American chiropractic registry of radiologic technologist.

C. "Act" means the Medical Radiation Health and Safety Act, Sections 61-14E-1 to 61-14E-12 NMSA 1978.

D. "Advisory council" means the radiation technical advisory council (RTAC).

E. "Applying ionizing radiation" means to use ionizing radiation for diagnostic or therapeutic purposes, including tasks having direct impact on the radiation burden of the patient, such as, but not limited to:

(1) positioning the patient, film and beam;
(2) selection of exposure factors or treatment parameters;
(3) preparation, calibration and injection of radiopharmaceuticals; and
(4) actuating the production of radiation.

F. "Approved program" means an educational program for either a full certificate, radiologist assistant certificate, fusion imaging certification or a certificate of limited x-ray machine operation, which meets the provisions of 20.3.20.200 NMAC and paragraphs (1) through (4) of this subsection.

(1) Full certificate. All curricula and programs to train individuals to perform radiologic procedures must be accredited by the United States department of education including but not limited to the joint review committee on education in nuclear medicine technology (JRCNMT) or the joint review committee on education in radiologic technology (JRCERT).

(2) Radiologist assistant certificate. All programs to train individuals to perform procedures as a radiologist assistant must be an advanced academic program encompassing a radiologist assistant curriculum culminating in a baccalaureate degree, postbaccalaureate certificate or master's degree and that incorporates a radiologist-directed clinical preceptorship and makes the individual eligible to be certified as a radiologist assistant by the American registry of radiologic technologists.

(3) Fusion imaging certificate. All programs to train individuals to perform fusion imaging must conform with current curriculum for fusion imaging published by the American society of radiologic technologists or society of nuclear medicine technologist.

(4) Certificate of limited x-ray machine operation. All programs to train individuals to perform limited x-ray machine operation must conform with the current curriculum for limited x-ray machine operators published by the American society of radiologic technologists.

G. "ARRT" means the American registry of radiologic technologists.

H. "Assistance" means any activity performed under the supervision or direction of a licensed practitioner or certified radiographer, radiation therapist, nuclear medicine technologist or radiologist assistant except:

(1) positioning the patient;
(2) positioning the source of radiation;
(3) selecting any exposure factors; or
(4) actuating the production of radiation.

I. "Auxiliary or health practitioner" means a physician assistant, registered nurse, dental hygienist or dental assistant licensed or certified by an independent board who applies radiation to humans while under the supervision of a licensed practitioner, provided that the certification and examination program established by the independent board is reviewed by the advisory council (RTAC) and approved by the board.

J. "Board" means the environmental improvement board.

K. "Category A credits" means an activity that qualifies as a continuing education activity and is approved for category A credit by the American college of radiology, American healthcare radiology administrators, American institute of ultrasound in medicine, American society of radiologic technologists, Canadian association of medical radiation technologists, radiological society of North America, society of diagnostic medical sonography, society of nuclear medicine, society of vascular ultrasound, or other RCEEM's recognized by the department.

L. "Certificate" means a full certificate issued by the department pursuant to the Act and this part (20.3.20 NMAC) to any person who is a radiologic technologist, radiologic therapy technologist, nuclear medicine technologist or radiologist assistant and who is certified pursuant to the Act.

M. "Certificate of limited x-ray machine operation" means a certificate issued by the department pursuant to the Act and this part (20.3.20 NMAC) to an individual other than a radiologic technologist who performs diagnostic x-ray procedures on designated anatomical sites under the supervision of a licensed practitioner or a radiologic technologist:

(1) chest and thorax;
(2) extremities;
(3) dentistry;
(4) vertebral column;
(5) podiatric; or
(6) cranium.

N. "Chest and thorax" means radiographic examinations of the lungs, anteroposterior AP, posterior-anterior PA, lateral and apical lordotic views and ribs, but does not include mammography and radiography of the abdomen.

O. "Clinical instruction" means hands-on educational experience in a health care setting such as a hospital, clinic, or physician's office, under the supervision of a licensed practitioner or the direct supervision of a radiologic technologist.

P. "Contact hour" means fifty (50) minutes.

Q. "Continuing education" means a learning activity that is planned, organized and administered to enhance the professional knowledge and skill underlying professional performance that a holder of a full certificate, radiologist assistant certificate, fusion imaging certificate or certificate of limited x-ray machine operation uses to provide services for patients, the public or the medical profession. In order to qualify as continuing education, the activity must be planned, organized and provide sufficient depth and scope of a subject area.

R. "Contrast media study" means a study performed whereby contrast media is introduced into the human body to define a part or parts not normally visualized on a radiograph.

S. "Cranium" means radiographic examination of the skull, facial bones, nasal bones, orbits, pantomography mandible or paranasal sinuses.

T. "Department" means the New Mexico environment department.

U. "Didactic instruction" means classroom instruction.

V. "Direct supervision" means in the physical presence of a licensed practitioner or radiologic technologist who assists, evaluates and approves of the individual's performance of the various tasks involved with application of ionizing radiation.

W. “Education background” means high school diploma or general education diploma, diploma or transcripts of completed secondary education or approved radiology program certificate of completion.

X. “Extremities” means radiographic examination of the fingers, hand, wrist, radius/ulna, elbow, humerus, pectoral girdle (shoulder joint and clavicle), toes, food, ankle, calcaneus, tibia/fibula, patella, knee, distal femur, but does not include the hip or pelvis.

Y. “Full time” means a standard forty (40) hour week.

Z. “Fusion imaging” means the fusion of images acquired from two or more imaging modalities, such as x-rays, computed tomography, magnetic resonance, positron emission tomography, single photon emission computed tomography, radiopharmaceuticals or measurements of radioactivity to produce a medical image of the metabolic function of cells and relevant human anatomy.

AA. “Fusion imaging certificate” means a full certificate issued by the department pursuant to the Act and this part (20.3.20 NMAC) to any person who performs fusion imaging and who is a radiologic technologist, certified pursuant to the Act.

AB. “Ionizing radiation” means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles; but not ultrasound, sound or radio waves, nor visible, infrared or ultraviolet light.

AC. “Licensed practitioner” means a person licensed to practice medicine, dentistry, podiatry, chiropractic or osteopathy in this state.

AD. “Limited x-ray machine operator” means a person holding a certificate of limited x-ray machine operation and who may be referred to as a “LXMO”.

AE. “NMTCB” means the nuclear medicine technologist certification board.

AF. “Nuclear medicine technologist” means a person other than a licensed practitioner who compounds, calibrates, dispenses and administers radiopharmaceuticals, pharmaceuticals, and radionuclides, who performs venipuncture under the direction of an authorized user for benefit of performing a comprehensive scope of nuclear medicine procedures.

AG. “Personal identification” means applicants full legal name, permanent and mailing address, social security number, date of birth, home phone number, cellular phone number, work number, pager, e-mail address, web site, and other related information.

AH. “Podiatric” means radiographic examination of the toes, foot, ankle, calcaneus, distal tibia/fibula, but does not include the knee joint.

AI. “Radiation technologist” means a radiographer, radiologic therapy technologist or nuclear medicine technologist certified pursuant to the Act and holding a full certificate and who may be referred to as a “RT”.

AJ. “Radiation therapist” means a person other than a licensed practitioner who utilizes ionizing radiation under the supervision of a licensed practitioner for the planning and delivery of therapeutic procedures.

AK. “Radiographer” means a person other than a licensed practitioner who applies radiation to humans for diagnostic purposes.

AL. “Radiologist assistant” means a radiographer certified as a radiologist assistant by the American registry of radiologic technologists to perform advanced radiologic procedures under the supervision of a radiologist.

AM “Radiologist assistant certificate” means a full certificate issued by the department pursuant to the Act and this part (20.3.20 NMAC) to any person who is a radiologist assistant and who is certified pursuant to the Act.

AN “Recognized continuing education evaluation mechanism” (RCEEM) means a mechanism recognized by the American registry of radiologic technologists for evaluating the content, quality and integrity of an educational activity which includes a review of educational objectives, content selection, faculty qualifications, and educational methods and materials by an organization that is national in scope, non-profit, radiology based, and willing to evaluate the continuing education activity developed by any technologist within a given discipline.

AO “Student” means a person enrolled in and attending a school or college of medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene, or a department-approved program or school of radiologic technology who applies ionizing radiation to humans while under the supervision of a licensed practitioner or the direct supervision of a radiologic technologist.

AP “Supervision” means responsibility for, and control of quality, radiation safety and protection and technical aspects of the application of ionizing radiation to human beings for diagnostic or therapeutic purposes.

AQ “Vertebral column” means radiographic examination of the cervical, thoracic and lumbar spine and scoliosis survey.

[20.3.20.7 NMAC - Rp, 20 NMAC 3.2.I.106, 8/31/2005]

20.3.20.8 ADMINISTRATION AND ENFORCEMENT: The administration and enforcement of the Act and this part (20.3.20 NMAC) is vested in the department.
[20.3.20.8 NMAC - Rp, 20 NMAC 3.2.I.107, 8/31/2005]

20.3.20.9 - 20.3.20.199 [RESERVED]

20.3.20.200 EDUCATIONAL REQUIREMENTS:

A. Full certificate. The educational program for a full certificate shall be in nuclear medicine, radiation therapy, or radiography, and shall be accredited by the United States department of education, joint review committee on education in radiologic technology and joint review committee on education in nuclear medicine technology.

B. Certificate of limited x-ray machine operation.

(1) The approved program for a certificate of limited x-ray machine operation shall include didactic and clinical instruction of the type and quantity indicated in the applicable subsections of this section. The recommended topics for radiation safety and protection should include a discussion of ionizing radiation including definition, sources, radiation bio-effects, radiation safety and protection relevant to national council of radiation protection and measurement reports and standards (NCRPMRS) and radiation risks associated with the specific procedure. The ratio between human and educational aid assisted instruction should be at least forty to sixty (40:60), that is, a particular subject category should consist of no less than forty percent (40%) human instruction and no more than sixty percent (60%) educational aids assisted content in a didactic setting. The minimum recommended hours are specified in subparagraphs (a) through (f) of this paragraph.

(a) For chest and thorax procedures, the didactic educational program shall include:

SUBJECT	**CONTACT HOURS**
Fundamentals, ethics and law of health care	10
Medical terminology	10
Patient care in radiologic sciences	30
Human structure and function	10
Chest and thorax procedures and positioning	15
Imaging production and evaluation	60
Imaging equipment and radiation production	50
Radiation protection and radiobiology	40
TOTAL	**225**

Clinical instruction for chest and thorax procedures shall be competency based and shall be a minimum of 160 hours.

(b) For extremities procedures, the didactic educational program shall include:

SUBJECT	**CONTACT HOURS**
Fundamentals, ethics and law of health care	10
Medical terminology	10
Patient care in radiologic sciences	30
Human structure and function	10
Extremities procedures and positioning	40
Imaging production and evaluation	60
Imaging equipment and radiation production	50
Radiation protection and radiobiology	40
TOTAL	**250**

Clinical instruction for extremities procedures shall be competency based and shall be a minimum of 480 hours.

(c) For dental diagnostic procedures, the didactic educational program shall include:

SUBJECT	**CONTACT HOURS**
Oral anatomy with radiographic dental technique and positioning	8
Radiation safety and protection	5
Darkroom and processing techniques	3
Laboratory on above subjects	9
TOTAL	**25**

(d) For vertebral column procedures, the didactic educational program shall include:

SUBJECT	CONTACT HOURS
Fundamentals, ethics and law of health care	10
Medical terminology	10
Patient care in radiologic sciences	30
Human structure and function	10
Vertebral procedures and positioning	15
Imaging production and evaluation	60
Imaging equipment and radiation production	50
Radiation protection and radiobiology	40
TOTAL	**225**

Clinical instruction for vertebral column procedures shall be competency based and shall be a minimum of 240 hours.

(e) For podiatric procedures, the didactic educational program shall include:

SUBJECT	CONTACT HOURS
Fundamentals, ethics and law of health care	10
Medical terminology	10
Patient care in radiologic sciences	30
Human structure and function	10
Podiatric procedures and positioning	10
Imaging production and evaluation	60
Imaging equipment and radiation production	50
Radiation protection and radiobiology	40
TOTAL	**220**

Clinical instruction for podiatric procedures shall be competency based and shall be a minimum of 160 hours.

(f) For cranium procedures, the didactic educational program shall include:

SUBJECT	CONTACT HOURS
Fundamentals, ethics and law of health care	10
Medical terminology	10
Patient care in radiologic sciences	30
Human structure and function	10
Cranium procedures and positioning	20
Imaging production and evaluation	60
Imaging equipment and radiation production	50
Radiation protection and radiobiology	40
TOTAL	**230**

Clinical instruction for cranium procedures shall be competency based and shall be a minimum of 240 hours.

(2) Appropriate records shall be maintained for three (3) years.

C. Radiologist assistant certificate. The educational program for a radiologist assistant certificate shall be an educational program culminating in the award of a baccalaureate degree or post-baccalaureate certificate from an institution approved by the American registry of radiologic technologists, that incorporates a radiologist-directed clinical preceptorship and meets the eligibility requirements for certification by the American registry of radiologic technologists.

D. Fusion imaging certificate. The education program for a fusion imaging certificate shall be an educational program recognized by the department or an agency whose program recognition is accepted by the department. All programs to educate individuals must meet the content specified in the current positron emission tomography (PET)-computed tomography (CT) curriculum published by the American society of radiologic technologists and society of nuclear medicine technologist section.

[20.3.20.200 NMAC - Rp, 20 NMAC 3.2.200.II - 201.II, 8/31/2005]

20.3.20.201 - 20.3.20.299 [RESERVED]

20.3.20.300 CERTIFICATION:

A. Requirement. It is unlawful for any person, other than a person certified by the department, to:

(1) use ionizing radiation on humans;

(2) engage in any of the radiology specialties as defined by the Act and described in this part (20.3.20 NMAC);

(3) use the title “radiologic technologist”, “certified radiologic technologist”, “radiologist assistant”, “certified radiologist assistant”, “limited x-ray machine operator”, or “certified limited x-ray machine operator”;

(4) use the abbreviated title “CRT”, “RT”, “RA”, “CRA”, “LXMO”, or “CLXMO”; or

(5) use any other title, abbreviated title, abbreviation, letters, figures, signs, or other devices to indicate the person is a certified radiologic technologist, certified radiologist assistant or a certified limited x-ray machine operator.

B. Types of certification. Certificates granted by the department shall be of five (5) types, identifiable and applicable as specified in this subsection.

(1) Full certificate. This certification is utilized for radiologic technologists who, within their areas of radiologic specialization, apply radiopharmaceutical agents or radiation to humans for therapeutic or diagnostic purposes under the direction of a licensed practitioner; and who demonstrates or successfully complete the requirements established for the certificate. Each certificate shall identify the radiology specialty of the certified technologist. The certificate of a person qualified in more than one area of radiological specialization shall identify all areas of specialization. A person holding a certificate may use the title “radiologic technologist” or “certified radiologic technologist” or the abbreviated title “CRT”.

(2) Certificate of limited x-ray machine operation. This certification is utilized for persons who perform restricted diagnostic radiography, under the supervision of a licensed practitioner or a radiologic technologist with respect to the supervision and areas of specialty; and who demonstrate or successfully complete the requirements for the certificate of limited x-ray machine operation. Each certificate of limited x-ray machine operation shall identify the procedural specialty of the certified limited x-ray machine operator, i.e., chest and thorax, extremities, podiatric, cranium, vertebral column or dental diagnostics. Persons holding a limited certificate in one or more categories may not perform radiologic procedures involving the use of contrast media, utilization of fluoroscopic equipment, mammography, computed tomography, bedside radiography, nuclear medicine or radiation therapy procedures. A person holding a certificate of limited x-ray machine operation may use the title “limited x-ray machine operator” or “certified limited x-ray machine operator”, or the abbreviated title “LXMO” or “CLXMO”.

(3) Temporary certification.

(a) The department may issue a temporary certificate to practice as a radiologic technologist to a person who satisfactorily completes an approved program in radiologic technology and who is awaiting results of the radiologic technology examination. A temporary certificate must be applied for within one year of graduation from an approved program, expires one year from the date issued, and is issued only once and cannot be renewed or extended.

(b) Applicants must submit a completed application, accompanied by the application fee and copies of graduation certificates, diplomas or transcripts indicating the successful completion date.

(c) Applicants passing the radiologic technology certification examination should apply for full or limited certification at least 60 calendar days prior to the expiration of their temporary certificate.

(4) Radiologist assistant certification. The department may issue a certificate to practice as a radiologist assistant to a person who satisfactorily completes an approved program and who:

(a) is certified by the American registry of radiologic technologists as a radiologist assistant;

(b) is certified by the American registry of radiologic technologists as a radiographer;

(c) is certified in advanced cardiac life support (ACLS);

(d) furnishes to the department an employment letter from the supervising radiologist; and

(e) holds a full certificate from the department.

(5) Fusion imaging certificate. The department may issue a certificate to a radiologic technologist to perform fusion imaging to perform fusion imaging upon completion of a course of study in fusion imaging technology approved by the department.

C. Display of certificate. Original certificates shall be publicly displayed at the place of employment. Persons with more than one place of employment shall publicly display a duplicate certificate at each secondary place of employment. Duplicate certificates must be obtained from the department.

D. Application. Any person seeking certification shall submit a completed application form to the department. The department will make available to radiologic technologist or students a variety of application forms created by the department, which include an exam application form, a new application form, renewal application form, and a request for New Mexico certification verification form application form. The application shall be on a form provided by the department and shall include the applicant’s:

(1) personal identification;

(2) education background;

(3) medical radiography, radiation therapy, nuclear medicine technology, radiologist assistant, or limited x-ray machine operator education and training;

(4) medically-related professional affiliations, certifications and licenses;

(5) medically-related work experience;

(6) proposed certification and radiologic technology specialty;

(7) check or money order number and date;

(8) compliance agreement; and,

(9) signature and date.

E. Certification by examination of credentials. Any person seeking a certificate through examination of credentials shall submit an application to the department accompanied by the application fee, demonstrating that the applicant completed school through the twelfth (12th) grade or has passed the high school equivalency test, and:

(1) is currently certified by a nationally recognized certifying organization, (i.e., the ARRT or the NMTCB), provided that the department finds that certification was granted on standards that are adequate to meet the purposes of the Act and will afford at least as much protection to the public as are afforded by the standards established by the standards established in this part (20.3.20 NMAC); or

(2) is currently certified as a radiologic technologist or radiologic assistant in another state and has been actively employed as a radiologic technologist or radiologist assistant for a period totaling no less than one year in the three years prior to application at a rate of no less than 1,000 hours per year, such employment must have been in the radiology specialty for which certification is requested, provided the certificate was issued on the basis of qualifications at least as stringent as standards established by this part (20.3.20 NMAC).

F. Certification by written examination.

(1) Certificate. Any person seeking a certificate by written examination shall:

(a) submit an application to the department, accompanied by the application and examination fee, demonstrating that the applicant:

(i) has completed school successfully through the twelfth (12th) grade or has passed the high school equivalency test; and

(ii) has graduated from an approved program in the radiologic technology specialty for which certification is requested or has been a radiologic technologist for a period totaling no less than three years in the five years prior to application at a rate of no less than 1,000 hours per year (such employment must be in the radiologic specialty for which certification is requested);

(b) completed successfully the written examination prescribed by the department for each radiologic technology specialty for which certification is requested.

(2) Certificate of limited x-ray machine operation. Any person seeking a certificate of limited x-ray machine operation by written examination shall:

(a) submit an application to the department, accompanied by the application and examination fees, demonstrating that the applicant:

(i) has completed school through the twelfth (12th) grade or has passed the high school equivalency test; and

(ii) has satisfactorily completed an approved program for the limited specialty for which certification is requested;

(b) completed successfully the written examination prescribed by the department for each limited specialty for which the certificate of limited x-ray machine operation is requested, or be certified by the ACRRT for a spine limited x-ray machine operator certificate.

(3) Reexamination. Any person failing a state examination three times will be required to demonstrate to the department the successful completion of additional remedial education or training for the certification being sought by the individual approved by the department and outlined in the ARRT rules and regulations section on the requirements for reexamination.

G. Written or computerized examinations. Written or computerized examinations should be given at least once each year, at such times and places as the department may determine. The department shall prepare, administer, and grade the examinations, though at its option, the department may contract for such preparation, administration, and grading services. In preparing, administering and grading examinations or in contracting for those services, the department may follow standards and guidelines established by nationally accepted professional organizations (such as ARRT, ACRRT and NMTCB) for the full, radiologist assistant and limited x-ray machine operator examinations, as applicable.

H. Certification term. Fees shall be paid in full before a certificate will be issued by the department. See 20.3.20.501 NMAC for renewal requirements. The full certificate or limited certificate shall be valid for two years.

I. Exceptions.

(1) The requirements for certification by the department shall not apply to:

(a) licensed practitioners;

(b) auxiliary or health practitioners; or

(c) students.

(2) The department may temporarily exempt applicants from the certificate requirements upon determining that the experience or training of the applicant is such that no apparent danger to the public exists and the people in the localities of the state to be served by the applicants would otherwise be denied adequate medical care because the unavailability of radiologic technologists or limited x-ray machine operators. Each exception shall be supported by an application accompanied by the application fee and shall be reflected in a special permit granted by the department for a limited period of time, not in excess of one year, although such permit may be renewed if the circumstances have not changed and if deemed warranted by the department. Appeals from the decisions of the department hereunder shall be resolved by the board with the advice of the advisory council (RTAC). When making a determination of the existence of community hardship the department will consult health agencies and will evaluate the availability of alternative radiology service and trained personnel. In addition, the department shall require the applicant's employer or prospective employer to demonstrate that recruitment of qualified personnel, at competitive compensation, has been attempted and unsuccessful. Such demonstration may take the form of documented advertising in publications intended to reach radiologic technologists.

[20.3.20.300 NMAC - Rp, 20 NMAC 3.2.III.300 - III.308, 8/31/2005]

20.3.20.301 RADIOLOGIST ASSISTANT SCOPE OF PRACTICE:

A. After demonstrating competency, the radiologist assistant, when ordered to do so by the supervising radiologist, may:

(1) perform selected procedures including static and dynamic fluoroscopic procedures;

(2) assess and evaluate the physiologic and psychological responsiveness of patients undergoing radiologic procedures;

(3) participate in patient management including acquisition of additional imaging for completion of the examination and record documentation in medical records;

(4) evaluate image quality, make initial image observations and communicate observations to the supervising radiologist; and

(5) administer intravenous contrast media or other prescribed medications.

B. The radiologist assistant may not interpret images, make diagnoses or prescribe medications or therapies.

C. The radiologist assistant shall maintain values congruent with the code of ethics of the American registry of radiologic technologists as well as adhere to national, institutional and department standards, policies and procedures regarding the standards of care for patients.

D. For the purposes of this section, "direct supervision" means the radiologist must be present in the office suite and immediately available to furnish assistance and direction throughout the performance of the procedure. It does not mean that the radiologist must be present in the room when the procedure is performed.

[20.3.20.301 NMAC - N, 8/31/2005]

20.3.20.302 - 20.3.20.399 [RESERVED]

20.3.20.400 DENIAL, REVOCATION OR SUSPENSION OF CERTIFICATE:

A. Failure to meet requirements. No certificate or limited certificate will be issued to an applicant failing to meet the requirements for certification.

B. Suspension, revocation, application of Uniform Licensing Act. The board, pursuant to the advice and recommendation of the advisory council (RTAC), may deny, revoke or suspend any certificate held or applied for under the Act, pursuant to the procedures established in the Uniform Licensing Act, upon grounds that the radiologic technologist or applicant:

(1) is guilty of fraud or deceit in procuring or attempting to procure a full certificate or certificate of limited x-ray machine operation;

(2) has been convicted of a felony subsequent to certification;

(3) is unfit or incompetent;
(4) is habitually intemperate or is addicted to the use of habit-forming drugs;
(5) is mentally incompetent;
(6) has aided and abetted a person who is not certified pursuant to the Act or otherwise authorized by the Act in engaging in the activities of a certified holder;
(7) has engaged in any practice beyond the scope of authorized activities of a full certificate or certificate of limited x-ray machine operation holder pursuant to the Act;
(8) is guilty of unprofessional conduct or unethical conduct as defined by rules promulgated by the board;
(9) has interpreted a diagnostic imaging procedure to a patient, the patient's family, or the public;
(10) has willfully or repeatedly violated any provisions of the Act; or
(11) is not in compliance with the terms of the New Mexico Parental Responsibility Act [NMSA 1978, 40-5A-1 to 40-5A-13] provided, in taking action under this provision the board shall follow the procedures in 20.1.7 NMAC named "Parental Responsibility Act Compliance".

C. Unprofessional or unethical conduct. With respect to the grounds for denial, revocation or suspension under NMSA 1978 section 61-14E-11, references to "unprofessional conduct" or "unethical conduct" shall be deemed to include, but shall not be limited to:
(1) engaging in the practice of radiologic technology while in an intoxicated condition or under the influence of a narcotic or any drug which impairs consciousness, judgment or behavior;
(2) unethical conduct while engaged in the practice of radiologic technology or unethical behavior indicating unfitness to practice radiologic technology;
(3) willful falsification of records, or destruction or theft of property or records relating to the practice of radiologic technology;
(4) failure to exercise due regard for safety of life or health of the patient;
(5) unauthorized disclosure of information relating to a patient's records;
(6) discrimination in the practice of radiologic technology against any person on account of race, religion, creed, color, national origin, age ore sex;
(7) convicted of a felony subsequent to certification;
(8) impersonation of a current or former radiologic technologist or engaging in the activities of a radiologic technologist under an assumed name;
(9) applying ionizing radiation to a human being without the specific direction of a duly licensed practitioner as defined herein;
(10) being found guilty of incompetence or negligence in activities as a radiologic technologist;
(11) continuing to practice without obtaining a certificate renewal as required by the Act;
(12) using the prefix "Dr.", unless entitled to do so pursuant to a degree granted, the word "doctor" or any suffix or affix to indicate or imply that the radiologic technologist is a duly licensed practitioner as defined herein when not so licensed;
(13) providing false, misleading or deceptive information on a certification application, a renewal application or continuing education documents; and
(14) failing to conform to accepted principles, standards and ethics of the radiologic technology profession and which results in the disregard for the health or safety of the public or patients.
[20.3.20.400 NMAC - Rp, 20 NMAC 3.2.IV.400 - IV.402, 8/31/2005]

20.3.20.401 - 20.3.20.499 [RESERVED]

20.3.20.500 CONTINUING EDUCATION: For the purpose of protecting the citizens of New Mexico from the harmful effects of ionizing radiation, radiologic technologists, radiologist assistants and limited x-ray machine operators shall be obligated to continue their education and training regarding radiologic technology. The department approval of educational and training programs will be based on whether the program or event has been approved by a RCEEM or the department for "category A" credits.
[20.3.20.500 NMAC - Rp, 20 NMAC 3.2.V.500 - V.502, 8/31/2005]

20.3.20.501 CERTIFICATION RENEWAL:

A. To renew a full certificate or limited certificate, the renewal application shall be accompanied by evidence of satisfactory completion of at least twenty-four (24) hours of approved "category A" continuing education or training. Such evidence shall be a condition of certification renewal.

B. Renewal applications of persons qualified in more than one radiologic or procedural specialty need not demonstrate more continuing education and training than is required for one area of specialization.

C. Each radiologic technologist is responsible for renewing the certificate before the expiration date and shall not be excused from paying late fees.

D. Failure to receive notification by the department prior to the expiration date will not be an excuse for failure to file a timely renewal.

E. A renewal application is considered late if the application is mailed less than thirty (30) days before the expiration date of the certificate. The postmark date shall be considered the date of mailing.

F. The department shall not renew the certificate of a radiologic technologist or limited x-ray machine operator who is in violation of this part (20.3.20 NMAC), at the time of renewal.

G. A person whose certificate has expired shall not continue to practice.

[20.3.20.501 NMAC - N, 8/31/2005]

20.3.20.502 -20.3.20.599 [RESERVED]

20.3.20.600 APPLICATION FEE: The fee for each type of application shall be $10.00.

[20.3.20.600 NMAC - Rp, 20 NMAC 3.2.VI.600 - VI.604, 8/31/2005]

20.3.20.601 EXAMINATION FEE: Required fees for examination of credentials or written examination.

A. Full certificate. In accordance with ARRT fees for each assigned test window.

B. Certificate of limited x-ray machine operation. In accordance with ARRT fees for each assigned test window.

C. Temporary certificate: $35.00.

[20.3.20.601 NMAC - N, 8/31/2005]

20.3.20.602 BIENNIAL RENEWAL FEE: Required fees for biennial review.

A. Full certificate: $100.00.

B. Certificate of limited x-ray machine operation: $60.00.

[20.3.20.602 NMAC - N, 8/31/2005]

20.3.20.603 MISCELLANEOUS FEES: Required miscellaneous fees, as applicable.

A. Replacement with new name, upon return of original certificate: $15.00.

B. First duplicate original: $15.00.

C. Additional duplicate originals: $5.00.

D. Completion of submitted verification forms to the department for the purpose of New Mexico certification verification: $10.00.

[20.3.20.603 NMAC - N, 8/31/2005]

20.3.20.604 FEE CONDITIONS:

A. Notwithstanding the various areas of specialization of examinations applied for, only one application fee will be levied.

B. The examination fee described above shall be charged for each assigned test window.

C. Notwithstanding the various areas of specialization for which a person has qualified, only one renewal fee shall be applicable to each biennial renewal.

D. Failure to pay the renewal fee on or before the certification expiration date will cause the certification to expire. An expired certification may be reinstated upon the submission of evidence demonstrating that all renewal requirements have been met and that the fee for the current biennium and a reinstatement fee of $25.00 have been paid. Reapplication and recertification pursuant to this part (20.3.20 NMAC) will be required for certificates that have lapsed for more than one year.

[20.3.20.604 NMAC - N, 8/31/2005]

20.3.20.605 - 20.3.20.699 [RESERVED]

20.3.20.700 SEVERABILITY: If any provision or application of this part (20.3.20 NMAC) is held invalid, the remainder, or its application to other situations or persons, shall not be affected.

[20.3.20.700 NMAC - Rp, 20 NMAC 3.2.VII.700 - VII.704]

20.3.20.701 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This part (20.3.20 NMAC) shall be construed as amending and superseding the Regulations on the Practice of Radiologic Technology, EIB/MRHSA 1, filed January 11, 1988, as amended. All references to the regulations on the practice of radiologic technology in any other rule shall be construed as a reference to this part (20.3.20 NMAC).
[20.3.20.701 NMAC - N; 8/31/2005]

20.3.20.702 SAVING CLAUSE: Supersession of the regulations on the practice of radiologic technology shall not affect any administrative or judicial enforcement action pending on the effective date of this part (20.3.20 NMAC) nor the validity of any certificate or certificate of limited practice issued pursuant to the regulations on the practice of radiologic technology.
[20.3.20.702 NMAC - N; 8/31/2005]

20.3.20.703 CONSTRUCTION: This part (20.3.20 NMAC) shall be liberally construed to effectuate the purpose of the Act.
[20.3.20.703 NMAC - N; 8/31/2005]

20.3.20.704 COMPLIANCE WITH OTHER REGULATIONS: Compliance with this part (20.3.20 NMAC) does not relieve a person from the obligation to comply with other applicable state and federal regulations.
[20.3.20.704 NMAC - N; 8/31/2005]

HISTORY OF 20.3.20 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives. EIB/MRHSA 1, Regulations on the Practice of Radiologic Technology, 11/11/1988.

History of repealed material: 20 NMAC 3.2, Radiologic Technology Certification, (filed 12/15/95), repealed 08/31/2005.

Other History:
EIB/MRHSA 1, Regulations on the Practice of Radiologic Technology (filed 11/11/1988) was renumbered, reformatted and amended as 20 NMAC 3.2, Radiologic Technology Certification, effective 01/14/96.
20 NMAC 3.2, Radiologic Technology Certification, (filed 12/15/95) was replaced by 20.3.20, Radiologic Technology Certification, effective 08/31/2005.