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DRAFT – INTENDED TO RESCIND AND REPLACE THE CURRENT PART 20
From Discussion at 4/10/14 MIRTAC Meeting

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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 3 RADIATION PROTECTION
PART 20 MEDICAL IMAGING AND RADIATION THERAPY LICENSURE

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TABLE OF CONTENTS

20.3.20.1	Issuing Agency	1
20.3.20.2	Scope.....	1
20.3.20.3	Statutory Authority	1
20.3.20.4	Duration.....	1
20.3.20.5	Effective Date	1
20.3.20.6	Objective	1
20.3.20.7	Definitions	1
20.3.20.8	Administration and Enforcement	6
20.3.20.100	License Required	6
20.3.20.200	Educational Programs	8
20.3.20.220	Recognized Programmatic Accreditation Organizations	9
20.3.20.300	Recognized Credentialing Organizations	9
20.3.20.301	Recognized Credentials and Certifications	10
20.3.20.310	State Examination	11
20.3.20.320	Licensure by Examination of Credentials.....	12
20.3.20.321	Licenses.....	12
20.3.20.322	Temporary Licenses	13
20.3.20.323	Cross-Training: Sonography.....	14
20.3.20.324	Cross-Training: Radiography, Nuclear Medicine, or Radiation Therapy	14
20.3.20.330	Continuing Education.....	15
20.3.20.340	Scope of Practice	15
20.3.20.350	Duties of Licensee.....	16
20.3.20.351	Certificate of Licensure.....	17
20.3.20.400	Renewal, Reinstatement, and Reapplication	17
20.3.20.500	Department Forms, Confidentiality, and Release of Personal Information	18
20.3.20.501	Fees	18
20.3.20.600	Denial, Revocation, or Suspension of License.....	19
20.3.20.700	Severability.....	21
20.3.20.701	Amendment and Supersession of Prior Regulations	21
20.3.20.702	Savings Clause.....	21
20.3.20.703	Construction	21
20.3.20.704	Compliance with Other Regulations	21

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PAGE NUMBERS WILL HAVE TO BE CHANGES ONCE THE FINAL VERBIAGE IS APPROVED BY THE MIRTAC OR ELIMINATE THIS TABLE OF CONTENTS.

SOMEONE SHOULD CHECK THE DEFINITIONS BETWEEN THIS DOCUMENTATION AND THOSE OF ARTICLE 14e FOR CONSISTANCY WITH THE STATUTE.

I also would suggest that someone check the rules to make certain that a definition in most cases is actually used either in the verbiage of the statute or the rules themselves.

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1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 3 RADIATION PROTECTION**
3 **PART 20 MEDICAL IMAGING AND RADIATION THERAPY LICENSURE**

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4
5 **20.3.20.1 ISSUING AGENCY:** Environmental Improvement board.

6
7 **20.3.20.2 SCOPE:** All individuals engaged in the practice of medical imaging and radiation therapy.

8
9 **20.3.20.3 STATUTORY AUTHORITY:** Medical Imaging and Radiation Therapy Health and Safety Act,
10 Sections 61-14E-1 to 61-14E-12 NMSA 1978 and Section 74-1-8 NMSA 1978.

11
12 **20.3.20.4 DURATION:** Permanent.

13
14 **20.3.20.5 EFFECTIVE DATE:** January 1, 2014, unless a later date is cited at the end of a section.

15
16 **20.3.20.6 OBJECTIVE:** To maximize the protection practicable for the citizens of New Mexico from
17 ionizing and non-ionizing radiation in the practice of medical imaging and radiation therapy by establishing
18 requirements for appropriate education and training of individuals operating medical equipment emitting ionizing and
19 non-ionizing radiation, establishing standards of education and training for the individuals who perform medical
20 imaging and radiation therapy procedures, and providing for the appropriate examination and certification of those
21 individuals.

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22 **FOR COMPARISON PURPOSES...**

23 61-14e-2. Purpose of act.

24 The purpose of the medical imaging and radiation therapy health and safety Act is to maximize the protection
25 practicable for the citizens of New Mexico from ionizing and non-ionizing radiation in the practice of medical imaging.
26 The purpose is affected by establishing requirements for appropriate education and training of persons operating
27 medical equipment emitting ionizing and non-ionizing radiation, establishing standards of education and training for
28 the persons who administer medical imaging and radiation therapy procedures and providing for the appropriate
29 examination and licensure of those persons.

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30 **20.3.20.7 DEFINITIONS:** As used in this part.

31 A. "Act" means the Medical Imaging and Radiation Therapy Health and Safety Act, Sections 61-14E-1
32 to 61-14E-12 NMSA 1978.

33 B. "Advisory council" means the medical imaging and radiation therapy advisory council (MIRTAC).

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

- 36 (1) positioning the patient, image receptor, and beam;
- 37 (2) selection of exposure factors or treatment parameters;
- 38 (3) preparation, calibration, and injection of pharmaceuticals and radiopharmaceuticals in
39 accordance with a licensee's scope of practice and facility policy; and
- 40 (4) actuating the production of radiation.

41 ~~D. "ANSI" means american national standards institute.~~

42 ~~ED. "Approved program" means a medical imaging or radiation therapy educational program that meets~~
43 ~~the requirements of 20.3.20.200 NMAC.~~

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44 ~~FE. "ARDMS" means the American registry for diagnostic medical sonography.~~

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45 ~~GF. "ARMRIT" means American registry of magnetic resonance imaging technologists.~~

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46 ~~HG. "ARRT" means the American registry of radiologic technologists.~~

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47 ~~H. "Assistance" means any activity performed under the supervision or direction of a licensed~~
48 ~~practitioner or a medical imaging or radiation therapy professional, except:~~

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- 49 ~~(1) positioning the patient;~~
- 50 ~~(2) positioning the source of radiation;~~
- 51 ~~(3) selecting any exposure factors; or~~
- 52 ~~(4) actuating the production of radiation.~~

53 I. "Board" means the environmental improvement board.

54 J. "Cardiac sonography" or "echocardiography" means an examination using ultrasound to generate an
55 image of the heart or major blood vessels.

56 K. "Category A" means a continuing education activity approved for category A credit by an
57 organization recognized by the ARRT as a RCEEM.

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58 L. "Certificate of licensure" means a document issued by the department that lists the type or types of
59 license granted to an individual.

60 M. ~~"Certificate of limited practice"~~ or "limited practice of radiography license" means a license granted
61 by the department to an individual other than a licensed practitioner or radiographer who performs restricted diagnostic
62 radiography procedures under the supervision of a licensed practitioner or radiographer on the following designated
63 anatomical sites or limited anatomical areas:

- 64 (1) viscera of the thorax;
- 65 (2) extremities;
- 66 (3) spine; or
- 67 (4) foot, ankle, or lower leg.

68 N. "CAAHEP" means the ~~c~~Commission on accreditation of allied health education programs.

69 O. "CCI" means the ~~c~~ardiovascular credentialing international.

70 P. "Chest and thorax" means radiographic examinations of the ribs and lungs, including anteroposterior,
71 posterior-anterior, lateral, and apical lordotic views, but does not include mammography. **(THERE WAS SOME**

QUESTION REGARDING THIS "CHEST AND THORAX"). This may have been changes to vascular and thorax???

73 Q. "Continuing education" (CE) or "continuing medical education" (CME) means a learning activity
74 that is planned, organized, and administered to enhance the professional knowledge and skill of the licensee.

75 R. "Clinical instruction" means hands-on educational experience in a health care setting such as a
76 hospital, clinic, or physician's office, under the ~~direct~~supervision requirements consistent with the Standards of the
77 program's accrediting agencies of a licensed practitioner or a medical imaging or radiation therapy licensee.

78 S. "Credential" or "certification" means the recognition awarded to an individual who meets the initial
79 and ongoing requirements of a credentialing or certification organization.

80 T. "Credentialing organization" or "certification organization" means an organization accredited by
81 NCCA or ANSI and recognized by the board that issues credentials through testing or evaluation and determines that
82 an individual has met defined standards for training and competence in a medical imaging or radiation therapy
83 modality and subspecialty.

84 U. "Department" means the New Mexico environment department.

85 V. "Diagnostic Medical Sonography," "Diagnostic ultrasound" or "ultrasound examination" or
86 "sonogram" means the use of ultrasound and sonographic equipment to create medical images for interpretation by a
87 licensed practitioner or other qualified health care practitioner that provide diagnostic information about a patient's
88 medical condition and includes obstetrical ultrasound. "Obstetrical ultrasound" means an ultrasound exam performed
89 for the purpose of fetal biometry beyond the first trimester, fetal number, anatomic survey, or follow-up examination
90 for a known or suspected anomaly or growth disturbance. It does not mean a procedure using ultrasound on a focused
91 imaging target to assess specific and limited information about a patient's immediate medical condition or to provide
92 real-time visual guidance for another procedure.

93 W. "Didactic instruction" means academic instruction. **(THERE WAS SOME QUESTION**
94 **REGARDING THIS DEFINITION) deletion???**

95
96 X. "Duplicate certificate of licensure" means an additional original certificate of licensure issued by the
97 department.

98 Y. "Extremities" means the fingers, hand, wrist, radius/ulna, elbow, humerus, pectoral girdle (shoulder
99 joint and clavicle), toes, foot, ankle, calcaneus, tibia/fibula, patella, knee, or distal femur, but does not include the skull,
100 spine, hip, or pelvis.

101 Z. "Facility" means a hospital, clinic, medical office, mobile lab, or other location where medical
102 imaging or radiation therapy is provided.

103 AA. "Focused imaging target" means a discrete anatomical target to which ultrasound is applied to create
104 an image for assessment of specific and limited information about a patient's immediate medical condition or to
105 provide visual guidance for another procedure. An ultrasound procedure on a focused imaging target does not supplant
106 a diagnostic ultrasound examination.

107 AB. "General sonography" means an examination using ultrasound to create an image of the abdomen,
108 chest, pelvis, pregnant uterus, small parts, or superficial structures.

109 AC. "Graduate" means an individual who has successfully completed the medical imaging or radiation
110 therapy didactic and clinical education in an approved program, including documented clinical proficiency, and:

- 111 (1) met all other requirements for credentialing or certification by a credentialing organization
112 including completion of the certification examination, but who has not received the examination results; or
- 113 (2) completed a state-administered limited practice in radiography examination, but has not
114 received the examination results.

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115 AD. "Interventional" means to diagnose or treat patients using medical imaging devices. Interventional
116 procedures may include, but are not limited to: radiation therapy, organ biopsy, angiography, angioplasty, and catheter-
117 delivered stents. Interventional does not mean needle or catheter placement for vascular access or delivery of medicine
118 or anesthesia, or the use of non-ionizing energy for non-imaging therapeutic or treatment purposes.

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

122 AF. "JRCDSM" means the joint review committee on diagnostic medical sonography

123 AG. "JRCERT" means the joint review committee on education in radiologic technology.

124 AH. "JRCNMT" means the joint review committee on educational program in nuclear medicine
125 technology.

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126 AI. "License" means a grant of authority by the department for an individual to perform medical imaging
127 or radiation therapy procedures.

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128 AH. "License term" means a length of licensure as indicated on the certificate of licensure issued by the
129 department.

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130 AJ. "Licensee" means an individual who has met and continues to meet all requirements of the Act and
131 this part.

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132 AK. "Licensed practitioner" means an individual licensed to practice medicine, dentistry, podiatry,
133 chiropractic or osteopathy in this state.

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134 AL. "Licensure" means the grant of authority by the department for an individual to perform medical
135 imaging or radiation therapy procedures.

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136 AM. "Limited practice radiography technologist" means an individual who has been granted a limited
137 practice in radiography license by the department to perform restricted diagnostic radiography procedures under the
138 direct supervision of a licensed practitioner or radiographer.

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139 AN. "Lower leg" means the knee and ankle and portions of the leg between the knee and ankle.

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140 AO. "Magnetic resonance imaging" means an examination using magnetic fields and radio frequency
141 signals to generate an image.

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142 AP. "Magnetic resonance technologist" means an individual other than a licensed practitioner who
143 performs magnetic resonance imaging procedures under the supervision of a licensed practitioner.

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144 AQ. "Medical imaging" means the use of substances or equipment emitting ionizing or non-ionizing
145 radiation on humans for diagnostic or interventional purposes.

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146 AR. "Modality" means the medical imaging procedures or technologies including:

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- 147 (1) diagnostic medical sonography and all of its subspecialties;
- 148 (2) magnetic resonance imaging and all of its subspecialties;
- 149 (3) nuclear medicine technology and all of its subspecialties;
- 150 (4) radiation therapy and all of its subspecialties; and
- 151 (5) radiography and all of its subspecialties.

152 AS. "Medical imaging professional" means an individual who has been granted a license by the
153 department in at least one medical imaging modality.

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154 AT. "Musculoskeletal sonography" or "musculoskeletal ultrasound" means an examination using
155 ultrasound to generate an image of a superficial muscle, tendon, ligament, or joint.

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156 AU. "NPDB" means the National practitioner data bank.

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157 AV. "NCCA" means National commission for certifying agencies.

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158 AW. "NMTCB" means the Nuclear medicine technologist certification board.

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159 AX. "Non-ionizing radiation" means the static and time-varying electric and magnetic fields and radio
160 frequency, including microwave radiation and ultrasound.

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161 AY. "Nuclear medicine technologist" means an individual other than a licensed practitioner who performs
162 nuclear medicine procedures, venipuncture, and compounds, calibrates, dispenses, and administers pharmaceuticals,
163 radiopharmaceuticals, and radionuclides under the supervision of a licensed practitioner.

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164 "Obstetrical ultrasound" means an ultrasound exam performed for the purpose of fetal biometry, fetal
165 number, anatomic survey, or follow up examination for a known or suspected anomaly or growth disturbance.

166 AZ. "Personal identification" means an applicant's or licensee's full legal name, permanent and mailing
167 address, social security number, date of birth, home phone number, cellular telephone number, work telephone number,
168 e-mail address, department registration number, and other related information.

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169 BA. "Phlebology" means ultrasound examination of superficial veins in the lower extremities for the
170 identification and treatment of venous disease.

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171 BB. "Place of employment" means each location with its own physical address or separated by building
172 structure regardless of ownership, company, nonprofit organization, or business name.

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173 BCB. "Podiatric" means radiographic examination of the toes, foot, ankle, calcaneus, distal tibia/fibula, but
174 does not include the knee joint.

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175 BDC. "Programmatic accreditation" means a specialized accreditation process that examines the medical
176 imaging or radiation therapy program within an educational institution.

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177 BED. "Radiation therapy technologist" or "radiation therapist" means an individual other than a licensed
178 practitioner who utilizes ionizing radiation for the planning and delivery of therapeutic procedures under the
179 supervision of a licensed practitioner.

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180 BFE. "Radiation therapy" means the use of high-energy particles or waves to destroy or damage cells.

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181 BGF. "Radiologic technologist" or "radiation technologist" means a medical imaging or radiation therapy
182 professional licensed by the department in one or more of the imaging modalities.

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183 BHG. "Radiographer" means an individual other than a licensed practitioner who applies radiation to
184 humans for diagnostic purposes under the supervision of a licensed practitioner.

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185 BIH. "Radiologist assistant" means an individual licensed as a radiographer who holds additional
186 certification as a registered radiologist assistant by the American registry of radiologic technologists.

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187 BIJ. "Recognized continuing education evaluation mechanism" (RCEEM) means a recognition
188 mechanism of the ARRT for evaluating the content, quality, and integrity of a continuing education activity.

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189 BKJ. "Remedial education" or "remedial training" means additional education or training required for an
190 individual to re-qualify to take a state-administered examination for the limited practice of radiography.

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191 BLK. "Scope of practice" means nationally recognized practice standards as applicable to each medical
192 imaging modality and subspecialty, unless superseded by the Act, this part, or written facility policy.

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193 BML. "Small parts" means superficial structures or anatomy including, but not limited to: axilla, chest or
194 abdominal wall, penis, scrotum or testicles, thyroid, parathyroid, and other non-vascular structures of the neck or
195 extremities.

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196 BNM. "Sonographer" or "echocardiographer" or "vascular technologist" means an individual other than a
197 licensed practitioner who applies ultrasound to humans for diagnostic and interventional purposes under the
198 supervision of a licensed practitioner.

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199 BON. "Sonography" or "ultrasound" means the use of high frequency sound waves (above 20,000 cycles
200 per second) with specialized equipment to direct the sound waves into an area of the human body to generate an image.

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201 BPO. "Sonography subspecialty" means an area of specialization recognized by the board, including:

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- 202 (1) abdominal sonography,
- 203 (2) breast sonography,
- 204 (3) cardiac sonography,
- 205 (4) musculoskeletal sonography
- 206 (5) obstetric/gynecology sonography,
- 207 (6) phlebology sonography; and
- 208 (7) vascular sonography.

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209 BQP. "Student" means an individual enrolled in and attending a school or college of medicine, osteopathy,
210 chiropractic, podiatry, dentistry, dental hygiene, or an approved program in medical imaging or radiation therapy.

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211 BRQ. "Subspecialty" means an area of specialization approved by the board within a medical imaging or
212 radiation therapy modality.

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213 BSR. "Supervision" means responsibility for, and control of quality, radiation safety, and protection and
214 technical aspects of the application of ionizing and non-ionizing radiation to human beings for diagnostic or therapeutic
215 purposes.

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216 (1) "direct supervision" means in the physical presence of a licensed practitioner or medical
217 imaging or radiation therapy professional who assists, evaluates, and approves the individual's performance of the
218 various tasks involved with application of ionizing and non-ionizing radiation. The supervisor must be present in the
219 office suite or building and immediately available to furnish assistance and direction throughout the performance of the
220 procedure. It does not mean that the supervisor must be present in the room when the procedure is performed.

221 (2) "indirect supervision" or "general supervision" means not in the physical presence of a
222 licensed practitioner or medical imaging or radiation therapy professional during the performance of the procedure, but
223 who is readily available to assist, evaluate, and approve the individual's performance of the various tasks involved with
224 application of ionizing and non-ionizing radiation.

225 (3) student supervision requirements must be consistent with the medical imaging and radiation
226 therapy standards of the programmatic accreditation agencies.

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227 BTS. "Temporary license" means a grant of authority by the department for an individual to perform
228 medical imaging or radiation therapy procedures pursuant to the term and requirements of part 20.3.20.322.

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229 BUT. "Vascular sonography" means an examination using ultrasound to generate an image of the
230 peripheral or neck blood vessels.

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B.V.U. "Viscera of the thorax" means radiographic examination of the lungs and mediastinum.

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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.

20.3.20.9 - 20.3.20.99 [RESERVED]

20.3.20.100 LICENSE REQUIRED

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A. Unlawful Acts: It is unlawful for an individual, other than an individual licensed by the department, or who is exempt under the provisions of the Act, to:

- (1) use ionizing or non-ionizing radiation for diagnostic, interventional, or therapeutic purposes on humans;
(2) use any title, abbreviation, letters, figures, signs, or other devices to indicate the individual is a medical imaging or radiation therapy professional; or
(3) engage in any of the medical imaging or radiation therapy modalities or subspecialties.

B. Statutory Exceptions: Pursuant to the Act, a medical imaging license is not required for:

- (1) a licensed practitioner;
(2) a student under the supervision of a licensed practitioner or under the direct supervision of a medical imaging or radiation therapy professional licensed in the modality and subspecialty in which the student is performing the procedure;
(3) a registered nurse or certified nurse-midwife performing ultrasound procedures; provided

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that:

(a) the registered nurse or certified nurse-midwife has documented demonstration of competency within the registered nurse's scope of practice in compliance with board of nursing rules or certified nurse-midwife's scope of practice in compliance with department of health rules.

(b) a registered nurse or a certified nurse-midwife may perform ultrasound procedures limited to a focused imaging target. A focused imaging target includes, but not limited to:

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- (i) identification of an anatomical landmark or blood vessel for the purpose of vascular access or administration of anesthesia;
(ii) assessment of presence or absence of fluid in a body cavity;
(iii) assessment of fetal presentation or heartbeat;
(iv) fetal monitoring with non-imaging Doppler; or
(v) assessment of foreign body position or location.

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(c) a registered nurse or certified nurse-midwife shall not perform diagnostic ultrasound examinations unless also licensed as a sonographer under the Act and this part.

(4) a health care practitioner licensed or certified by an independent board as defined by the Act that has been approved by the board as provided in this paragraph;

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(a) An independent board or state regulatory body shall submit an application for approval of their medical imaging certification and examination program to the advisory council for review.

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(i) The advisory council shall consider whether the medical imaging and certification examination program adequately ensures the appropriate education, training, and clinical experience while ensuring patient health and safety and shall make a written recommendation to the board.

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(ii) The board may approve or deny an application based on whether or not it finds adequate evidence the certification and examination program ensures appropriate education, training, and clinical experience while ensuring health and patient safety.

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(b) The independent board or state regulatory body shall reapply to the board for reapproval if substantive changes to the certification and examination program are made subsequent to the board's approval.

Insert from Passed Law 61-14E-7 to replace 20.3.20.100, B identified above.

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B. Statutory exceptions.

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A. It is unlawful, unless licensed by the department as a medical imaging professional or radiation therapist, for any person to:

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- (1) use ionizing or non-ionizing radiation on humans;
(2) use any title, abbreviation, letters, figures, signs or other devices to indicate that the person is a licensed medical imaging professional or radiation therapist; or
(3) engage in any of the medical imaging modalities as defined by the Medical Imaging and Radiation Therapy Health and Safety Act.

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289 B. Notwithstanding any other provision of the Medical Imaging and Radiation Therapy Health and
290 Safety Act, the requirement of a medical imaging license shall not apply to:

- 291 (1) a licensed practitioner;
- 292 (2) a health care practitioner licensed or certified by an independent board operating pursuant to
293 Chapter 61 NMSA 1978 or a state regulatory body; provided that any medical imaging certification and
294 examination program for health care practitioners established by an independent board or state regulatory
295 body shall be submitted to the advisory council and approved by the board; or

- 296 (3) a registered nurse or certified nurse-midwife performing ultrasound procedures; provided that
297 the registered nurse or certified nurse-midwife has documented demonstration of competency within the
298 registered nurse's scope of practice in compliance with board of nursing rules or certified nurse-midwife's
299 scope of practice in compliance with department of health rules. A registered nurse or a certified nurse-
300 midwife may perform ultrasound procedures limited to a focused imaging target. A registered nurse or
301 certified nurse-midwife shall not perform diagnostic ultrasound.

302 C. The requirement of a medical imaging license shall also not apply to a student who is enrolled in and
303 attending a required individual education program of a school or college of medicine, osteopathy,
304 chiropractic, podiatry, dentistry or dental hygiene to apply radiation to humans under the supervision of a
305 licensed practitioner or under the direct supervision of a licensed medical imaging professional or radiation
306 therapist.

307 D. Notwithstanding any other provision of the Medical Imaging and Radiation Therapy Health and
308 Safety Act, the requirement of a license shall not apply to a student completing clinical requirements of an
309 approved education program working under the supervision of a licensed practitioner or under the direct
310 supervision of a medical imaging professional or radiation therapist licensed in the practice for which the
311 student is seeking licensure.

312 E. The department shall adopt rules and regulations for the education and licensure of advanced medical
313 imaging professionals.

314 F. The department may require students in medical imaging and radiation therapy educational programs
315 to register with the department while enrolled in an approved education program.

316 G. A registered nurse or a certified nurse-midwife shall not perform ionizing procedures, including
317 radiography, radiation therapy, nuclear medicine or a non-ionizing magnetic resonance procedure, unless
318 licensed by the department as a medical imaging professional. Nothing in the Medical Imaging and Radiation
319 Therapy Health and Safety Act shall affect the authority of a health care professional licensed pursuant to
320 Chapter 24 or Chapter 61 NMSA 1978 to order or use images resulting from ionizing or non-ionizing
321 procedures in accordance with the licensed health care professional's scope of practice.

322 History: Laws 1983, ch. 317, § 7; 1991, ch. 14, § 2; 1993, ch. 140, § 3; 2009, ch. 106, § 7; 2013, ch. 116,
323 § 2.

324
325 C. **Temporary Exemption.** The department may temporarily exempt applicants from licensure
326 requirements upon determining that:

- 327 (1) the experience or training of the applicant is such that no apparent danger to the public
328 exists; and
- 329 (2) the people in the area of the state to be served by the applicant would otherwise be denied
330 adequate medical care because of the unavailability of a medical imaging or radiation therapy professional.
- 331 (3) Each application for temporary exemption shall be supported by:
332 (i) an application for temporary exemption;
333 (ii) an application fee;
334 (iii) written evidence to support the applicant's compliance with paragraph (1) and (2)

335 of this subsection.
336 D. **Temporary Exemption Term.** A temporary exemption approved by the board shall be for a limited
337 period of time, not to exceed one year. A temporary exemption may be renewed if the circumstances have not changed
338 and if deemed warranted by the department.

339 E. **Temporary Exemption Application Denial.** The board, with the advice of the advisory council,
340 shall resolve appeals of a denial of an application for temporary exemption. When making a determination of existence
341 of community hardship, the board will:

- 342 (1) consult health agencies;
- 343 (2) evaluate availability of alternative medical imaging or radiation therapy services and
344 licensed medical imaging or radiation therapy professionals;

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345 (3) evaluate documentation from the applicant's employer or prospective employer to
346 demonstrate that recruitment of qualified individuals, at competitive compensation, has been attempted and was
347 unsuccessful. Such demonstration may take the form of:
348 (a) documented advertising in publications pertaining to medical imaging
349 professionals;
350 (b) registration of the position with the New Mexico department of workforce
351 solutions or similar state agency; or
352 (c) documentation of current and past contracting with medical imaging or radiation
353 therapy job placement companies.

354
355 **20.3.20.101 - 20.3.20.199 [RESERVED]**

356
357 **20.3.20.200 EDUCATIONAL PROGRAMS**

358 A. ~~Approved Programs: Limited Practice in Radiography. An approved program in limited practice~~
359 ~~of radiography is an educational program that has applied to the department and has been approved by the board, in~~
360 ~~consultation with the advisory council.~~

361 (1) ~~Before enrolling students or offering courses, an educational program for limited practice in~~
362 ~~radiography shall submit an application to the department including verification that:~~

- 363 (a) ~~the program provides both didactic and clinical education;~~
- 364 (b) ~~the program's faculty are licensed practitioners or radiographers;~~
- 365 (c) ~~the curriculum covers all core areas of the Limited Scope of Practice in~~
366 ~~Radiography Examination published by the ARRT;~~
- 367 (d) ~~the curriculum covers all radiographic procedure modules for which graduates will~~
368 ~~seek a limited practice in radiography license;~~
- 369 (e) ~~the program length meets the following minimum number of hours of didactic and~~
370 ~~clinical instruction: 52 hours of instruction~~

- 371 (i) ~~thorax/chest: 225 didactic hours and 160 clinical hours; (12)~~
- 372 (ii) ~~extremities: 250 didactic hours and 450 clinical hours; (60)~~
- 373 (iii) ~~skull/sinuses: 230 didactic hours and 240 clinical hours; (18)~~
- 374 (iv) ~~spine: 225 didactic hours and 240 clinical hours; (30)~~
- 375 (v) ~~podiatric: 220 didactic hours and 160 clinical hours. (10)~~

376 ~~At DACC 3 credit hours = 40 classroom hours (study/homework hours not included)~~

377 (2) ~~An educational program that provides limited practice in radiography education and training must be~~
378 ~~accredited by a national or regional post-secondary accreditation body.~~

379 B. **Approved Programs: Medical Imaging or Radiation Therapy.** An approved program for medical
380 imaging or radiation therapy includes:

381 (1) An educational program in a medical imaging or radiation therapy modality ~~and/or specialty~~
382 that is programmatically accredited by an accreditation ~~organization-agency~~, recognized by the United States
383 department of education (USDE) or the council of higher education accreditation (CHEA) ~~and~~ that is recognized by the
384 board; or

385 (2) An educational program in a medical imaging or radiation therapy modality ~~and/or~~
386 ~~specialty~~ that is in the process of preparing for programmatic accreditation by an accreditation ~~organization-agency~~,
387 recognized by the United States department of education (USDE) or the council of higher education accreditation
388 (CHEA). ~~This, however,~~ programmatic accreditation, by an accreditation ~~organization-agency~~ that is recognized by the
389 board, must be attained within five years of the effective date of this section or within five years of the establishment
390 of ~~the a new~~ educational program.

391 (3) Before enrolling students or offering courses, including clinical instruction, an educational
392 program shall submit an application to the department with supporting documents to show compliance with this
393 section. No fee is required and, if all requirements are met, the department shall issue a letter to the educational
394 program confirming compliance with this section.

395
396 **20.3.20.201 - 20.3.20.219 [RESERVED]**

397
398 **20.3.20.220 RECOGNIZED PROGRAMMATIC ACCREDITATION ORGANIZATIONS**

399 A. **Programmatic Accreditation.** To be recognized by the board, an educational program accreditation
400 ~~organization-agency~~ must be:

- 401 (1) ~~accredited by the National commission for certifying agencies (NCCA);~~

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402 (12) recognized by the United States department of education (USDE) or the council of higher
403 education accreditation (CHEA); and

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404 (23) provide programmatic accreditation for the medical imaging or radiation therapy modality
405 offered by the educational program.

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406 B. **Recognized Programmatic Accreditation Organizations.** Medical imaging or radiation therapy
407 programmatic accreditation ~~organizations~~ agencies recognized by the board include:

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408 (1) ~~Commission on accreditation of allied health education programs;~~

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409 (1) Commission on accreditation of allied health education programs;

410
411 (12) Joint review committee on education of in radiologic technology (JRCERT); and

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412 (23) Joint review committee on educational programs in nuclear medicine technology

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413 (JRCNMT); and

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414 (3) ~~Joint review committee on education in diagnostic medical sonography (JRCEDMS);~~

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415 (4) ~~Accrediting bureau of Health Education Schools (ABHES);~~

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416
417 20.3.20.221 - 20.3.20.299 [RESERVED]

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418
419 20.3.20.300 **RECOGNIZED CREDENTIALING ORGANIZATIONS**

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420 A. ~~Certification Institutions. To be recognized by the board, an certification institution must be~~
421 ~~recognized by:~~

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422 (1) ~~the american national standards insitutute (ANSI); or~~

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423 (2) ~~the national commission of certifying agencies (NCCAS);~~

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424 (3) ~~the american college of radiology (ACR);~~

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425 (4) ~~the (IAC);~~

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426 (5) ~~Joint Commission;~~

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427 (6) ~~RadSite??~~

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428 B. **Recognized Certification Organizations.** The board recognizes the following medical imaging and
429 radiation therapy credentialing organizations in each modality defined by the Act including:

430 (1) diagnostic medical sonography:

431 (a) american registry for diagnostic medical sonography (ARDMS);

432 (b) american registry of radiologic technologists (ARRT); or

433 (c) cardiovascular credentialing international (CCI).

434 (2) magnetic resonance imaging:

435 (a) american registry of radiologic technologists (ARRT);

436 (b) american registry of magnetic resonance imaging technologists (ARMRIT).

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437 (3) nuclear medicine:

438 (a) american registry of radiologic technologists (ARRT); or

439 (b) nuclear medicine technology certification board (NMTCB).

440 (4) radiation therapy:

441 (a) american registry of radiologic technologists (ARRT).

442 (5) radiography:

443 (a) american registry of radiologic technologists (ARRT); or

444 (b) ~~certification board of radiology practitioner assistants (CBRPA);~~

445
446 20.3.20.301 **RECOGNIZED CREDENTIALS AND CERTIFICATIONS**

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447 A. The board recognizes the following medical imaging and radiation therapy credentials and
448 certifications for each type of license issued by the department:

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449 (1) breast sonography:

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450 (a) registered diagnostic medical sonographer – breast (ARDMS)(RDMS); or

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451 (b) ~~registered radiologic technologist~~ registered technologist – breast sonography

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452 (ARRT)(BS).

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453 (2) cardiac sonography:

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454 (a) registered cardiac sonographer (CCI)(RCS);

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455 (b) registered congenital cardiac sonographer (CCI)(RCCS); or

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456 (c) registered diagnostic cardiac sonographer (ARDMS)(RDMS).

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457 (3) general sonography:

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458 (a) registered diagnostic medical sonographer – abdomen (ARDMS)(RDMS); or

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516 (a) completed school through the twelfth (12th) grade or has passed a high school
 517 equivalency examination;
 518 (b) successfully completed an approved program in one or more of the body areas of
 519 specialization;
 520 (2) submit the required examination fee to the department;
 521 (3) successfully complete a written or computerized examination administered by the
 522 department with a minimum score of seventy-five (75) percent on both the core section and in each attempted body
 523 area section of the examination.

524 B. **Failure of State Examination for Limited Practice of Radiography.**

525 (1) If an applicant fails to achieve seventy-five (75) percent on either the core section or a body
 526 area specialization section of the examination, it will be considered an examination failure.
 527 (2) The applicant must re-apply and pay the examination fee for each examination attempt.
 528 (3) All sections of the examination taken on the same day are considered one examination
 529 attempt.
 530 (4) The applicant must only retake the failed section or sections.
 531 (5) An individual who attempts and fails the state-administered examination three times will be
 532 required to demonstrate to the department the successful completion of remedial education or training following the
 533 third attempt that is consistent with the ARRT standards before being eligible to take the examination again.
 534

535 **20.3.20.311 - 20.3.20.319 [RESERVED]**

536 **20.3.20.320 LICENSURE BY EXAMINATION OF CREDENTIALS**

537 A. **Licensure Based upon Examination of Credentials.** An individual seeking a license through
 538 examination of credentials other than for limited practice of radiography shall submit the required application to the
 539 department demonstrating that the applicant:

- 540 (1) has completed school through the twelfth (12th) grade or has passed a high school
 541 equivalency examination; and is either:
 542 (a) currently certified by a medical imaging or radiation therapy credentialing
 543 organization recognized by the board; or
 544 (b) is currently licensed as a medical imaging or radiation therapy professional in
 545 another state, provided the license from that state was issued based on qualifications at least as stringent as the
 546 standards established by the Act and this part.
 547

548 B. **Licensure Based upon Examination of Credentials: Limited Practice of Radiography.**

549 (1) An individual seeking a limited practice of radiography license through examination of
 550 credentials must demonstrate that the applicant:
 551 (a) has completed school through the twelfth (12th) grade or has passed a high school
 552 equivalency examination;
 553 (b) is currently licensed as a limited practice radiographic technologist or its equivalent
 554 in another state, provided the license from that state was issued based on qualifications at least as stringent as the
 555 standards established by the Act and this part; and
 556 (c) meets all other applicable requirements of the Act and this part.
 557 (2) An applicant for limited practice of radiography license based upon examination of
 558 credentials must submit an application and fees to the department. If the department determines that the applicant
 559 meets all requirements, the department shall issue a limited practice of radiography license to the applicant.

560 B. **Limited Waiver.** The requirement that an applicant for a sonography or MRI license under section
 561 20.3.20.321, subsection A, subparagraphs (a) through (g) to have a current credential in the modality and subspecialty
 562 may be waived by the department until January 1, 2019. Such limited waiver does not remove the requirement for an
 563 individual to obtain a license in these imaging modalities.
 564

565 **MIRTAC needs to discuss how individuals currently functioning as ultrasonographers and MR technologists**
 566 **will, or whether they should, continue, to be allowed to function without a national certification in these**
 567 **modalities.**

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569 **20.3.20.321 LICENSES**

570 A. **Registration Number.** The department shall assign a department registration number to each
 571 licensee regardless of the number of modalities and subspecialties licensed. The department registration number shall
 572 be listed on each certificate of licensure issued by the department.

573 B. **Term.** The license term for all types of licenses, except a temporary license:

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- 574 (1) is twenty-four (24) months;
- 575 (2) begins on the date the license is granted;
- 576 (3) ends on the last day of the month issued;
- 577 (4) if applicable, the expiration date of any current license or licenses will be changed to match

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578 the expiration date of any newly granted license.
579 C. **Request for Coordination of License and Credential Expiration Dates.** At the written request of
580 the licensee, the expiration date of their license or licenses may be reduced to match their current credentialing
581 organization's expiration date. Such reduction in term shall not reduce the applicant or licensee's license fee.

582 D. **Types of License.** ~~Upon demonstration of compliance with all applicable requirements of the Act~~

583 ~~and this part, the department may grant one or more of the following types of license:~~

- 584 ~~(a) breast sonography [BR];~~
- 585 ~~(b) cardiac sonography [CS];~~
- 586 ~~(c) general sonography [DMS];~~
- 587 ~~(d) musculoskeletal sonography [MSK];~~
- 588 ~~(e) phlebology sonography [PBS];~~
- 589 ~~(f) vascular sonography [VS];~~
- 590 ~~(g) magnetic resonance imaging [MRI];~~
- 591 ~~(h) nuclear medicine [NMT];~~
- 592 ~~(i) radiation therapy [RTT];~~
- 593 ~~(j) radiography [RRT];~~
- 594 ~~mammography~~
- 595 ~~(k) radiologist assistant [RRA];~~
- 596 ~~(l) computed tomography [CT];~~
- 597 ~~(m) limited radiography: viscera of the chest/thorax [LXT];~~
- 598 ~~(n) limited radiography: extremities [LXE];~~
- 599 ~~(o) limited radiography: axial/appendicular skeleton [LXV]; or~~
- 600 ~~(p) limited radiography: podiatric [LXP].~~

604 ~~Upon demonstration of compliance with all applicable requirements of the Act and this part, the~~
605 ~~department may grant one or more of the following types of license and be recognized by the~~
606 ~~department as a:~~

- 607 ~~(a) diagnostic cardiac sonography (DCS);~~
- 608 ~~(b) diagnostic medical sonography (DMS); includes all sonography subspecialties of~~
609 ~~(ARDMS) (ARRT)(CCI) except RMSK, PBhS;~~
- 610 ~~(b) diagnostic vascular technologist (DVT);~~
- 611 ~~(c) diagnostic musculoskeletal technologist (MSK);~~
- 612 ~~(d) limited x-ray machine operator vacular & thorax (LXT); (LPT) See ACT~~
- 613 ~~(e) limited x-ray machine operator extremities (LXE); (LPE) See ACT~~
- 614 ~~(f) limited x-ray machine operator podiatric (LXP); (LPE) See ACT~~
- 615 ~~(g) limited x-ray machine operator vertebral column (LXV);~~
- 616 ~~(h) magnetic resonance technologist (MRT);~~
- 617 ~~(i) nuclear medicine technologist (NMT);~~
- 618 ~~(ii) Phlebology sonography (PBS)~~
- 619 ~~(iii) Provisional~~
- 620 ~~(i) radiation therapy technologist (RTT);~~
- 621 ~~(k) radiographic radiologic technologist (RRT); or~~
- 622 ~~(l) radiologist assistant (RRA).~~
- 623 ~~(m) Temporary.~~

625 C. **Certificate of Licensure.** Each certificate of licensure issued by the department shall identify all
626 current licenses granted to the licensee.

628 **20.3.20.322 TEMPORARY LICENSES**

629 A. **Temporary License.** The department may grant a temporary license to practice medical imaging or
630 radiation therapy to an individual who:

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- 631 (1) provides documentation of satisfactory completion of an approved program;
- 632 ~~(2) completes a certification examination administered by a credentialing organization or a state~~
- 633 ~~limited practice of radiography examination but is awaiting results;~~
- 634 (3) submits evidence of having met paragraphs (1) and (2) above, a temporary license
- 635 application, and applicable fees within one year of graduation from an approved program; and
- 636 (4) meets all other applicable licensure requirements of the Act and this part.

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- 637 B. **Temporary License Term.** A temporary license:
 - 638 (1) expires one (1) year from the applicant's approved program completion date unless
 - 639 superseded by grant of a non-temporary license; and
 - 640 (2) may be granted only once and cannot be renewed or extended; however, a duplicate
 - 641 temporary certificate of licensure may be issued by the department for display at another place of employment upon
 - 642 submission of a duplicate certificate of license application and fee.

- 643 C. **Restrictions.** A temporary licensee:
 - 644 (1) must apply to the department for a medical imaging or radiation therapy license within
 - 645 thirty (30) days of expiration date of temporary license.
 - 646 (2) may only provide the authorized medical imaging or radiation therapy modality and
 - 647 subspecialty under the supervision of a licensed practitioner, or a medical imaging or radiation therapy professional
 - 648 licensee in the medical imaging modality and subspecialty identified on the temporary license;

~~(The Department does not believe that (3) is demonstrable, they do not support (3).)~~

- 649 (3) must physically destroy each temporary certificate of licensure within seven (7) days of the
- 650 expiration of the temporary certificate of licensure or receipt of a non-temporary certificate of licensure.

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20.3.20.322 PROVISIONAL??

A. **Provisional License:** The department may grant a temporary license to practice medical imaging or radiation therapy to an individual who:

- 656 (1) is currently licensed by the state
- 657 (2) submits an application to the state
- 658 (3) follows training pathways established by recognized national certification organizations

B. **Provisional License Term.** A provisional license:

- 660 (1) expires two (2) years from the date of issue
- 661 (2) may be renewed one (1) time.

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~~(The Department does not support the following sections on Crosstraining)~~

20.3.20.322 CROSSTRAINING: SONOGRAPHY Sonographers wanting to cross-train into MRI?

~~A. **Cross Training.** Except for sonographer licensees with a musculoskeletal or phlebology sonography license, sonographer licensees may cross-train in other sonography subspecialties provided the licensee:~~

- 667 (1) submits an application and fee to the department identifying the subspecialty;
- 668 (2) adheres to the educational pathways, standards, and guidelines of a national credentialing
- 669 organization for that modality or subspecialty;
- 670 (3) performs such studies under direct or indirect supervision of a sonographer licensee in that
- 671 subspecialty or a physician or licensed health care practitioner who is qualified to interpret and diagnose in the imaging
- 672 modality and subspecialty; and
- 673 (4) attains certification for that subspecialty within four (4) years of submission of the
- 674 application to the department.

~~B. **Authorization for Cross Training.** The department will provide a written receipt of the application and required fee as verification of authorization for cross-training in the subspecialty requested but will not issue a license or re-issue a certificate of licensure to indicate such authorization. More than one subspecialty may be authorized by a single application.~~

~~C. **Renewal of Authorization.** The authorization to cross train is valid for up to four years and is not renewable. One year must lapse after expiration of the cross training authorization before the department may grant authorization in the same modality and subspecialty to the licensee.~~

~~D. **Applicability to Licensee Enrolled in Approved Program.** This subsection does not apply to a licensee who is currently enrolled in an approved program leading to qualification for another sonography subspecialty.~~

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20.3.20.323 CROSS TRAINING: RADIOGRAPHY, NUCLEAR MEDICINE, OR RADIATION THERAPY

~~A. **Cross training.** Licensees in radiography, nuclear medicine, or radiation therapy modalities may cross-train in another of these modalities and their subspecialties, if applicable, provided the licensee:~~

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689 _____ (1) submits an application and fee to the department identifying the modality and subspecialty;
 690 _____ (2) adheres to the educational pathways, standards, and guidelines of a national credentialing
 691 organization for that subspecialty;
 692 _____ (3) performs such studies under direct or indirect supervision of a
 693 _____ (a) medical imaging or radiation therapy licensee in that modality and subspecialty;
 694 _____ (b) a physician or other licensed health care provider who is qualified to interpret and
 695 diagnose in the imaging modality and subspecialty; and
 696 _____ (4) attains certification for that modality and subspecialty within four (4) years of submission of
 697 the application to the department.

698 _____ B. **Authorization for Cross Training.** The department will provide a written receipt of the application
 699 and required fee as verification of authorization for cross training in the subspecialty requested but will not issue a
 700 license or re-issue a certificate of licensure to indicate such authorization. More than one subspecialty may be
 701 authorized by a single application.

702 _____ C. **Renewal of Authorization.** The authorization to cross train is valid for up to four years and is not
 703 renewable. One year must lapse after expiration of the cross training authorization before the department may grant
 704 authorization in the same modality and subspecialty to the licensee.

705 _____ D. **Applicability to Licensee Enrolled in Approved Program.** This subsection does not apply to a
 706 licensee who is currently enrolled in an approved program leading to qualification for another modality and
 707 subspecialty license.
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709 **20.3.20.325 - 20.3.20.329 [RESERVED]**

710 **20.3.20.330 CONTINUING EDUCATION**

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711 A. **Continuing Education.**

712 (1) **Limited Practice of Radiography.** During the license term, a limited practice of
 713 radiography licensee must complete twenty-four (24) hours or credits of Category A or A+ continuing education
 714 approved by a RCEEM recognized by ARRT. Documentation of completion of the required continuing education must
 715 be submitted to the department with each license renewal application.
 716

717 (2) A medical imaging or radiation therapy licensee, other than a limited practice of
 718 radiography licensee, must comply with all continuing education, continuing competency, and annual registration
 719 requirements of the credentialing organization for which they hold a credential or certification. The department may
 720 require a licensee to attest to meeting the credentialing organization's requirements. Failure to meet the credentialing
 721 organization's requirements may be grounds for suspension or revocation of a license.
 722

723 C. **Audit.** The department may audit a licensee's continuing education and continuing compliance with
 724 requirements of the Act and this part. A licensee must submit the audit information requested by the department within
 725 thirty (30) days of receipt of the notification of audit. No application or fees are required when submitting information
 726 requested by the department for an audit.

727 **20.3.20.331 - 20.3.20.339 [RESERVED]**

728 **20.3.20.340 SCOPE OF PRACTICE (The Department recommends that the Scope of Practice be**
 729 **determined by the National professional organizations for each license type.)**

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730 A. **General Provisions.**

731 (1) A medical imaging and radiation therapy licensee functions as a delegated agent of a
 732 supervising physician;

733 (2) A licensee's scope of practice is determined based upon the licensee's education and
 734 training, nationally recognized clinical practice standards, state and federal law, and facility policy.

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735 B. **Limited Practice in Radiography.** A limited practice in radiography licensee may not:

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736 (1) perform procedures outside the areas of specialization authorized under the individual's
 737 license;

738 (2) perform procedures outside their scope of practice including, but not limited to: procedures
 739 involving the use of contrast media, fluoroscopic equipment, mammography, computed tomography, mobile or bedside
 740 radiography, diagnostic medical sonography, magnetic resonance imaging, nuclear medicine, or radiation therapy.

741 C. **Radiologist Assistant.** A radiologist assistant shall perform under the supervision of a radiologist
 742 and shall not interpret images, render diagnoses, or prescribe medications or therapies.

743 D. **Sonographer.** A sonographer may provide limited non-diagnostic preliminary findings, such as a
 744 fetal gender, directly to a patient in accordance with written facility policy.
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747 **20.3.20.341 - 20.3.20.349** [RESERVED]

748 **20.3.20.350 DUTIES OF LICENSEE**

749 A. **Continuing to Comply with Requirements.** A licensee must:
750 (1) continue to comply with all licensure requirements of the Act and this part throughout the
751 license term;
752 (2) maintain credential or certification in their licensed imaging modality and subspecialty, if
753 applicable, throughout the licensure period or notify the department in writing within thirty (30) days that a credential
754 or certification is no longer being maintained;
755 (2) notify the department in writing within thirty (30) days of any pending or final actions by a
756 credentialing organization, state agency, or federal agency against the licensee; and
757 (3) notify the department in writing within thirty (30) days of lapse, probation, suspension, or
758 revocation of any professional license.

760 B. **Expired, Suspended, or Revoked License.** An individual whose license has expired, or has been
761 suspended or revoked by the department, shall not perform medical imaging or radiation therapy procedures.

762 C. **Duty to Cooperate with Department.** An applicant or licensee has a duty to cooperate with the
763 department during an investigation or inspection authorized under the Act, this part, or other state or federal law.

764 D. **Reporting Violations.** A licensee has a duty to report a violation of the Act, this part, or other state
765 or federal law to the department or other appropriate agency.

766 D. **Supervision of Students or Licensees.**
767 (1) A limited practice of radiography licensee shall only provide supervision of a limited
768 practice of radiography student or licensee.
769 (2) A medical imaging or radiation therapy licensee may provide supervision to a medical
770 imaging or radiation therapy student or licensee in the same modality and specialization as the licensee. A radiographer
771 may provide supervision to a limited practice of radiography student or licensee.
772

773 **20.3.20.351 CERTIFICATE OF LICENSURE**

774 A. **Display of Certificate of Licensure.** Original certificates of licensure shall be publicly displayed by
775 the licensee at each place of employment.

776 B. **Photocopying or Reproduction Prohibited.** Photocopying or other reproduction of a certificate of
777 licensure is prohibited. To obtain a duplicate certificate of licensure, the licensee must submit a duplicate certificate of
778 licensure application and fee to the department.
779

780 **(The Department does not support sections (C))**

781 ~~C.~~ **Lost or Stolen Certificate of Licensure.** A licensee must notify the department in writing within
782 thirty (30) days if a certificate of licensure is lost or stolen.

783 ~~D.~~ **Replacement Certificate of Licensure.** The department may issue a replacement certificate of
784 licensure if a:

- 785 (1) certificate of licensure is damaged, lost, or stolen; or
- 786 (2) licensee's legal name has changed.

787 To obtain a replacement certificate of licensure, the licensee must submit documentation of legal name change
788 (if applicable), a replacement certificate of licensure application, and required fee to the department.
789

790 **20.3.20.352 - 20.3.20.399** [RESERVED]

791 **20.3.20.400 RENEWAL, REINSTATEMENT, AND REAPPLICATION.**

792 A. **License Renewal and Reinstatement.** A licensee is solely responsible for ensuring they maintain a
793 current license. Failure to receive notification by the department prior to the expiration date of the license is not an
794 excuse for failure to file a timely renewal application.

795 (1) At least thirty (30) days before the expiration date listed on the licensee's current certificate
796 of licensure, a licensee must submit the license renewal fee and completed renewal application, including any required
797 supporting documents to the department.

798 (2) The department will not process an incomplete renewal application.

800 (3) The department will process completed applications in the order received.

801 (4) The department shall not renew a license until it is satisfied the license renewal applicant
802 meets all requirements of the Act and this part.

803 (5) All required items must be received by the department prior to the expiration date on the
804 licensee's current certificate of licensure or the renewal application shall be considered incomplete. Failure to submit a

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805 complete license renewal application and licensee will be subject to a reinstatement fee. An earlier postmark date shall
806 not excuse the reinstatement fee.

807 (a) If a reinstatement fee is assessed and all other requirements for renewal are met,
808 the department will issue an invoice to the licensee that will accompany the renewed certificate of licensure.

809 (b) If an applicant or licensee fails to pay the reinstatement fee within thirty (30) days
810 of the invoice date, the department may take action to suspend the license until the department has received the
811 reinstatement fee.

812 B. **Reapplication.** Reapplication is required if a license has been expired for more than one year.

813
814 **20.3.20.401 - 20.3.20.499 [RESERVED]**
815

816
817 **(The Department believes that the office of general counsel should review and recommend changes to this**
818 **section.)**

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819 **20.3.20.500 DEPARTMENT FORMS, CONFIDENTIALITY, AND RELEASE OF PERSONAL**
820 **INFORMATION**

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821 A. **Department Forms Required.**

822 (1) An individual seeking licensure or any other services listed in this part shall submit a
823 completed application form to the department.

824 (2) The department shall create and make available all necessary application forms.

825 (3) The department's forms may request such personal information as is required to perform the
826 department's duties under the Act and this part including, but not limited to: name, mailing address, telephone
827 numbers, email address, certifications, licenses, date of birth, and social security number.

828 (4) No application shall be complete unless it is on the form prescribed by the department and
829 includes, in legible format:

830 (a) all required information;

831 (b) copies of all supporting documents specified on the form;

832 (c) full payment of required fees by a method specified on the form; and

833 (d) date and signature of the applicant.

834 B. **Confidentiality of Personal Information.** Personal information collected by the department shall
835 not be disclosed except:

836 (1) in the performance of the department's duties under the Act or this part;

837 (2) as provided in this part or as required by state or federal law; or

838 (3) in response to a valid subpoena or court order.

839 C. **Release of Licensee Personal Information.** Unless otherwise provided, the department may only
840 release a licensee's name, mailing address, department registration number, and verification of license and
841 subspecialty. The department may release information related to an application denial or license revocation or
842 suspension to credentialing organization. In accordance with federal law, the department shall release any required
843 information related to revocation or suspension of a licensee to the National practitioner data bank.
844

845 **20.3.20.501 FEES**

846 A. **Application Fee.** In addition to any other fees, an application fee of \$10.00 must be submitted with
847 each type of application available from the department, unless otherwise provided in this part.

848 B. **Initial License Fee.** An initial license fee of \$100.00 must be submitted with each initial license
849 application, regardless of the number of modality and subspecialty licenses requested on the same application.

850 C. **Examination Fee.** An examination fee in accordance with current ARRT limited practice in
851 radiography examination policies must be submitted with the examination application.

852 D. **License Renewal Fee.** A license renewal fee of \$100.00 must be submitted with each license
853 renewal application, regardless of the number of modality and subspecialty licenses being renewed.

854 E. **License Reinstatement Fee.** In addition to any other required fees, a license reinstatement fee of \$25
855 must be submitted with a license reinstatement application or if a licensee fails to submit a complete renewal
856 application before the expiration of a license.

857 F. **Duplicate Certificate of Licensure Fee.** A duplicate certificate of licensure fee of \$15.00 must be
858 submitted for the first certificate of licensure requested and \$5.00 for each additional certificate of licensure requested
859 on the same duplicate certificate of licensure application.

860 G. **Temporary License Fee.** A temporary license fee of \$50 must be submitted with each temporary
861 license application.
862

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863 ~~(The Department does not support this section (H)).~~
864 H ~~Cross Training Provisional License Fee. A cross training provisional license fee of not to exceed~~
865 \$25.00 must be submitted with each cross training provisional license application.

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866 I. **License Verification Fee.** A license verification fee of \$10.00 must be submitted with each license
867 verification form.

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868 J. **Refunds.** Fees submitted to the department are non-refundable. However, if the department
869 determines that fees have been received in excess of the amount legally due, the department will refund the excess
870 amount upon receipt of a written request from the individual who paid the fee, or that individual's legal representative.

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871 K. **Nonsufficient Funds.** ~~In the event that fees could not be processed the department will remove~~
872 ~~licensee name from the active registered technologist "in good standing" list on the website and assess a \$35.00~~
873 ~~nonsufficient fund fee. Licensee must submit payment in the form of a cashiers' check or money order.~~

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875 20.3.20.502 - 20.3.20.599 [RESERVED]

877 ~~(The Department believes that the office of general council should review and recommend changes to this~~
878 ~~section.)~~

879 **20.3.20.600 DENIAL, REVOCATION, OR SUSPENSION OF LICENSE**

880 A. **Denial of application.** The department may not issue a license to an applicant who has failed to meet
881 the requirements of the Act or this part.

882 B. **Suspension, revocation, application of Uniform licensing act.** The board, with advice from the
883 advisory council, may deny, revoke, or suspend a license granted or applied for under the Act and this part based on the
884 grounds that the medical imaging or radiation therapy licensee or applicant:

885 (1) is guilty of fraud or deceit in procuring or attempting to procure any type of license or
886 service from the department;

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

888 (3) is unfit or incompetent;

889 (4) is **habitually intemperate**; or ~~New line~~

890 (5) is addicted to the use of habit-forming drugs;

891 (5) is mentally incompetent;

892 (6) has aided and abetted an individual who is not a licensee in engaging in the activities of a
893 licensee;

894 (8) has failed to maintain a credential or certification in the modality and subspecialty for which
895 a license was granted;

896 (9) has engaged in any practice beyond the licensee's scope of practice, state or federal law, or
897 facility policy;

898 (10) is guilty of unprofessional conduct or unethical conduct as defined in subsection C of this
899 section;

900 (11) has interpreted a diagnostic imaging procedure for a patient, a patient's family, or the
901 public;

902 (12) has willfully or repeatedly violated any provisions of the Act or this part;

903 (13) has failed to notify in writing within thirty (30) days of any final disciplinary action by a
904 licensing board or credentialing organization, including but not limited to sanction, probation, suspension, or
905 revocation; or

906 (14) is not in compliance with the terms of the New Mexico parental responsibility act [NMSA
907 1978, 40-5A-1 to 40-5A-13] provided, in taking action under this provision, the board shall follow the procedures in
908 20.1.7 NMAC named "Parental Responsibility Act Compliance."

909 C. **Unprofessional or unethical conduct.** With respect to the grounds for denial, revocation, or
910 suspension under NMSA 1978 section 61-14E-11, references to "unprofessional conduct" or "unethical conduct" shall
911 be deemed to include, but shall not be limited to:

912 (1) engaged in the practice of medical imaging or radiation therapy while in an intoxicated
913 condition or under the influence of a narcotic or other drug that impairs consciousness, judgment, or behavior;

914 (2) unethical conduct while engaged in the practice of medical imaging or radiation therapy;

915 (3) willful falsification of records, or destruction or theft of property or records relating to the
916 practice of medical imaging or radiation therapy;

917 (4) failure to exercise due regard for the safety of life or health of the patient;

918 (5) unauthorized access to or disclosure of information relating to a patient's records;

919 (6) discrimination in the practice of medical imaging or radiation therapy against any individual
920 because of race, religion, creed, color, national origin, or sex;

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- 921 (7) convicted of a felony subsequent to licensure by the department;
- 922 (8) impersonation of a current or former licensee or engaging in the activities of medical
- 923 imaging or radiation therapy under an assumed name;
- 924 (9) applying ionizing or non-ionizing radiation to a human being without a specific prescription
- 925 or direction of a licensed practitioner or other health care practitioner authorized to order a medical imaging or
- 926 radiation therapy;
- 927 (10) being determined incompetent or negligent in activities related to medical imaging,
- 928 radiation therapy, or limited practice of radiography;
- 929 (11) continuing to practice without obtaining a license or renewal as required by the Act or this
- 930 part;
- 931 (12) using the prefix "Dr.," unless entitled to do so pursuant to a degree granted, the word
- 932 "doctor", or any suffix or affix to indicate or imply that the individual is a licensed practitioner when not so licensed;
- 933 (13) providing false, misleading, or deceptive information on any application or supporting
- 934 documents submitted to the department;
- 935 (14) failing to conform to nationally recognized practice standards as applicable to each modality
- 936 or subspecialty.
- 937 (15) failure to disclose in writing to the department any felony conviction or non-compliance
- 938 with the New Mexico Parental Responsibility Act [NMSA 1978, 40-5A-1 to 40-5A-13] within thirty (30) days of the
- 939 conviction or judgment; or
- 940 (16) failure to disclose in writing to the department any sanction, probation, suspension, or
- 941 revocation by a state agency or credentialing organization within thirty (30) days of such occurrence.
- 942 D. **Application of Uniform Licensing Act.** The department shall comply with the provisions of the
- 943 Uniform Licensing Act and any rules or regulations promulgated thereunder.

944 **20.3.20.601 - 20.3.20.699 [RESERVED]**

945 **20.3.20.700 SEVERABILITY:** If any provision or application of this part is held invalid, the remainder, or its

946 application to other situations or persons, shall not be affected.

947 **20.3.20.701 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS:** This part shall be

948 construed as amending and superseding the Regulations on the Practice of Radiologic Technology, EIB/MRHSA 1,

949 filed January 11, 1988, as amended. All references to the regulations on the practice of radiologic technology in any

950 other rule shall be construed as a reference to this part.

951 **20.3.20.702 SAVING CLAUSE:** Supersession of the regulations on the practice of medical imaging or radiation

952 therapy shall not affect any administrative or judicial enforcement action pending on the effective date of this part nor

953 the validity of any license granted or certificate of licensure issued pursuant to the regulations on the practice of

954 medical imaging or radiation therapy.

955 **20.3.20.703 CONSTRUCTION:** This part shall be liberally construed to effectuate the purpose of the Act.

956 **20.3.20.704 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this part does not relieve an

957 individual from the obligation to comply with other applicable state and federal regulations.

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965 I WOULD RECOMMEND THAT ALTHOUGH I HAVE SENT THIS DOCUMENT OUT TO EVERYONE OF THE

966 LISTING THAT ONLY DARLA AND STEPHEN ADD THEIR NOTED CHANGES AND THEN THAT

967 DOCUMENT BECOMES THE STARTING POINT FOR THE APRIL MEETING.

970 My Comments – (Barbara)

- 971 1. My notes indicate that the section on Provisional License must be created.
- 972 2. Stephan was going to check with general council to determine if ARMIRIT could be
- 973 excluded.

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- 976 3. There was a vote to include ARMRT; however, because they do not fit into any of the
- 977 existing sections, I wasn't certain where to include them.
- 978 4. Please understand that these were notes taken at the January meeting. This is your
- 979 document make changes, as you believe are appropriate. I am only helping with the
- 980 process.
- 981 5. I have noted in several sections above that there was discussion but I am uncertain what
- 982 the outcome was. I know that someone else will be able to correct the section.
- 983 Use of the term "Board" reference other than EIB
- 984

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