

DRAFT – INTENDED TO RESCIND AND REPLACE THE CURRENT PART 20
For Discussion at 1/10/14 MIRTAC Meeting

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

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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.

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

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~~ ~~July~~, 1, 2014, unless a later date is cited at the end of a section.

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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.

22
23 **20.3.20.7 DEFINITIONS:** As used in this part.

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

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

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

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

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

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

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

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

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

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

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- 42 ~~(1) positioning the patient;~~
- 43 ~~(2) positioning the source of radiation;~~
- 44 ~~(3) selecting any exposure factors; or~~
- 45 ~~(4) actuating the production of radiation.~~

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

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

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

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

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

- 57 (1) viscera of the thorax;
- 58 (2) extremities;

- 59 (3) spine; or
60 (4) foot, ankle, or lower leg.
61 N. “CAAHEP” means the Commission on accreditation of allied health education programs.
62 O. “CCF” means the Cardiovascular credentialing international.
63 P. “Chest and thorax” means radiographic examinations of the ribs and lungs, including anteroposterior,
64 posterior-anterior, lateral, and apical lordotic views, but does not include mammography.
65 Q. “Continuing education” (CE) or “continuing medical education” (CME) means a learning activity
66 that is planned, organized, and administered to enhance the professional knowledge and skill of the licensee.
67 R. “Clinical instruction” means hands-on educational experience in a health care setting such as a
68 hospital, clinic, or physician’s office, under the direct supervision of a licensed practitioner or a medical imaging or
69 radiation therapy licensee.
70 S. “Credential” or “certification” means the recognition awarded to an individual who meets the initial
71 and ongoing requirements of a credentialing or certification organization.
72 T. “Credentialing organization” or “certification organization” means an organization accredited by
73 NCCA and recognized by the board that issues credentials through testing or evaluation and determines that an
74 individual has met defined standards for training and competence in a medical imaging or radiation therapy modality
75 and subspecialty.
76 U. “Department” means the New Mexico environment department.
77 V. “Diagnostic ultrasound” or “ultrasound examination” or “sonogram” means the use of ultrasound and
78 sonographic equipment to create medical images for interpretation by a licensed practitioner or other qualified health
79 care practitioner that provide diagnostic information about a patient’s medical condition **and includes obstetrical**
80 **ultrasound**. It does not mean a procedure using ultrasound on a focused imaging target to assess specific and limited
81 information about a patient’s immediate medical condition or to provide real-time visual guidance for another
82 procedure.
83 W. “Didactic instruction” means academic instruction.
84 X. “Duplicate certificate of licensure” means an additional original certificate of licensure issued by the
85 department.
86 Y. “Extremities” means the fingers, hand, wrist, radius/ulna, elbow, humerus, pectoral girdle (shoulder
87 joint and clavicle), toes, foot, ankle, calcaneus, tibia/fibula, patella, knee, or distal femur, but does not include the skull,
88 spine, hip, or pelvis.
89 Z. “Facility” means a hospital, clinic, medical office, mobile lab, or other location where medical
90 imaging or radiation therapy is provided.
91 AA. “Focused imaging target” means a discrete anatomical target to which ultrasound is applied to create
92 an image for assessment of specific and limited information about a patient’s immediate medical condition or to
93 provide visual guidance for another procedure. An ultrasound procedure on a focused imaging target does not supplant
94 a diagnostic ultrasound examination.
95 AB. “General sonography” means an examination using ultrasound to create an image of the abdomen,
96 chest, pelvis, pregnant uterus, small parts, or superficial structures.
97 AC. “Graduate” means an individual who has successfully completed the medical imaging or radiation
98 therapy didactic and clinical education in an approved program, including documented clinical proficiency, and:
99 (1) met all other requirements for credentialing or certification by a credentialing organization
100 including completion of the certification examination, but who has not received the examination results; or
101 (2) completed a state-administered limited practice in radiography examination, but has not
102 received the examination results.
103 AD. “Interventional” means to diagnose or treat patients using medical imaging devices. Interventional
104 procedures may include, but are not limited to: radiation therapy, organ biopsy, angiography, angioplasty, and catheter-
105 delivered stents. Interventional does not mean needle or catheter placement for vascular access or delivery of medicine
106 or anesthesia, or the use of non-ionizing energy for non-imaging therapeutic or treatment purposes.
107 AE. “Ionizing radiation” means gamma rays and x-rays, alpha and beta particles, high speed electrons,
108 neutrons, protons, and other nuclear particles; but not ultrasound, sound, or radio waves, nor visible, infrared or
109 ultraviolet light.
110 AF. “JRCDSM” means the joint review committee on diagnostic medical sonography
111 AG. “JRCERT” means the joint review committee on education in radiologic technology.
112 AH. “JRCNMT” means the joint review committee on educational program in nuclear medicine
113 technology.
114 AI. “License” means a grant of authority by the department for an individual to perform medical imaging
115 or radiation therapy procedures.

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116	<u>AJH.</u> “License term” means a length of licensure as indicated on the certificate of licensure issued by the	Formatted: Font: 10 pt
117	department.	
118	<u>AJL.</u> “Licensee” means an individual who has met and continues to meet all requirements of the Act and	Formatted: Font: 10 pt
119	this part.	
120	<u>AJK.</u> “Licensed practitioner” means an individual licensed to practice medicine, dentistry, podiatry,	Formatted: Font: 10 pt
121	chiropractic or osteopathy in this state.	
122	<u>ALK.</u> “Licensure” means the grant of authority by the department for an individual to perform medical	Formatted: Font: 10 pt
123	imaging or radiation therapy procedures.	
124	<u>AME.</u> “Limited practice radiography technologist” means an individual who has been granted a limited	Formatted: Font: 10 pt
125	practice in radiography license by the department to perform restricted diagnostic radiography procedures under the	
126	direct supervision of a licensed practitioner or radiographer.	
127	<u>ANM.</u> “Lower leg” means the knee and ankle and portions of the leg between the knee and ankle.	Formatted: Font: 10 pt
128	<u>AQN.</u> “Magnetic resonance imaging” means an examination using magnetic fields and radio frequency	Formatted: Font: 10 pt
129	signals to generate an image.	
130	<u>APQ.</u> “Magnetic resonance technologist” means an individual other than a licensed practitioner who	Formatted: Font: 10 pt
131	performs magnetic resonance imaging procedures under the supervision of a licensed practitioner.	
132	<u>AQP.</u> “Medical imaging” means the use of substances or equipment emitting ionizing or non-ionizing	Formatted: Font: 10 pt
133	radiation on humans for diagnostic or interventional purposes.	
134	<u>ARQ.</u> “Modality” means the medical imaging procedures or technologies including:	Formatted: Font: 10 pt
135	(1) diagnostic medical sonography and all of its subspecialties;	
136	(2) magnetic resonance imaging and all of its subspecialties;	
137	(3) nuclear medicine technology and all of its subspecialties;	
138	(4) radiation therapy and all of its subspecialties; and	
139	(5) radiography and all of its subspecialties.	
140	<u>ASR.</u> “Medical imaging professional” means an individual who has been granted a license by the	Formatted: Font: 10 pt
141	department in at least one medical imaging modality.	
142	<u>ATS.</u> “Musculoskeletal sonography” or “musculoskeletal ultrasound” means an examination using	Formatted: Font: 10 pt
143	ultrasound to generate an image of a superficial muscle, tendon, ligament, or joint.	
144	<u>AUF.</u> “NPDB” means the National practitioner data bank.	Formatted: Font: 10 pt
145	<u>AVH.</u> “NCCA” means National commission for certifying agencies.	Formatted: Font: 10 pt
146	<u>AWV.</u> “NMTCB” means the Nuclear medicine technologist certification board.	Formatted: Font: 10 pt
147	<u>AXW.</u> “Non-ionizing radiation” means the static and time-varying electric and magnetic fields and radio	Formatted: Font: 10 pt
148	frequency, including microwave radiation and ultrasound.	Formatted: Font: 10 pt
149	<u>AYX.</u> “Nuclear medicine technologist” means an individual other than a licensed practitioner who performs	Formatted: Font: 10 pt
150	nuclear medicine procedures, venipuncture, and compounds, calibrates, dispenses, and administers pharmaceuticals,	
151	radiopharmaceuticals, and radionuclides under the supervision of a licensed practitioner.	
152	“Obstetrical ultrasound” means an ultrasound exam performed for the purpose of fetal biometry, fetal	
153	number, anatomic survey, or follow-up examination for a known or suspected anomaly or growth disturbance.	
154	<u>AZY.</u> “Personal identification” means an applicant’s or licensee’s full legal name, permanent and mailing	Formatted: Font: 10 pt
155	address, social security number, date of birth, home phone number, cellular telephone number, work telephone number,	
156	e-mail address, department registration number, and other related information.	
157	<u>BAAZ.</u> “Phlebology” means ultrasound examination of superficial veins in the lower extremities for the	Formatted: Font: 10 pt
158	identification and treatment of venous disease.	
159	<u>BBA.</u> “Place of employment” means each location with its own physical address or separated by building	Formatted: Font: 10 pt
160	structure regardless of ownership, company, nonprofit organization, or business name.	
161	<u>BCB.</u> “Podiatric” means radiographic examination of the toes, foot, ankle, calcaneus, distal tibia/fibula, but	Formatted: Font: 10 pt
162	does not include the knee joint.	
163	<u>BDE.</u> “Programmatic accreditation” means a specialized accreditation process that examines the medical	Formatted: Font: 10 pt
164	imaging or radiation therapy program within an educational institution.	
165	<u>BED.</u> “Radiation therapy technologist” or “radiation therapist” means an individual other than a licensed	Formatted: Font: 10 pt
166	practitioner who utilizes ionizing radiation for the planning and delivery of therapeutic procedures under the	
167	supervision of a licensed practitioner.	
168	<u>BEE.</u> “Radiation therapy” means the use of high-energy particles or waves to destroy or damage cells.	Formatted: Font: 10 pt
169	<u>BGF.</u> “Radiologic technologist” or “radiation technologist” means a medical imaging or radiation therapy	Formatted: Font: 10 pt
170	professional licensed by the department in one or more of the imaging modalities.	
171	<u>BHG.</u> “Radiographer” means an individual other than a licensed practitioner who applies radiation to	Formatted: Font: 10 pt
172	humans for diagnostic purposes under the supervision of a licensed practitioner.	

173 **B.H.** “Radiologist assistant” means an individual licensed as a radiographer who holds additional
174 certification as a registered radiologist assistant by the American registry of radiologic technologists.

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175 **B.J.** “Recognized continuing education evaluation mechanism” (RCEEM) means a recognition
176 mechanism of the ARRT for evaluating the content, quality, and integrity of a continuing education activity.

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177 **B.K.** “Remedial education” or “remedial training” means additional education or training required for an
178 individual to re-qualify to take a state-administered examination for the limited practice of radiography.

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179 **B.L.** “Scope of practice” means nationally recognized practice standards as applicable to each medical
180 imaging modality and subspecialty, unless superseded by the Act, this part, or written facility policy.

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181 **B.M.** “Small parts” means superficial structures or anatomy including, but not limited to: axilla, chest or
182 abdominal wall, penis, scrotum or testicles, thyroid, parathyroid, and other non-vascular structures of the neck or
183 extremities.

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184 **B.N.** “Sonographer” or “echocardiographer” or “vascular technologist” means an individual other than a
185 licensed practitioner who applies ultrasound to humans for diagnostic and interventional purposes under the
186 supervision of a licensed practitioner.

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187 **B.O.** “Sonography” or “ultrasound” means the use of high frequency sound waves (above 20,000 cycles
188 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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189 **B.P.** “Sonography subspecialty” means an area of specialization recognized by the board, including:

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- 190 (1) abdominal sonography,
191 (2) breast sonography,
192 (3) cardiac sonography,
193 (4) musculoskeletal sonography
194 (5) obstetric/gynecology sonography,
195 (6) phlebology sonography; and
196 (7) vascular sonography.

197 **B.Q.** “Student” means an individual enrolled in and attending a school or college of medicine, osteopathy,
198 chiropractic, podiatry, dentistry, dental hygiene, or an approved program in medical imaging or radiation therapy.

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199 **B.R.** “Subspecialty” means an area of specialization approved by the board within a medical imaging or
200 radiation therapy modality.

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201 **B.S.** “Supervision” means responsibility for, and control of quality, radiation safety, and protection and
202 technical aspects of the application of ionizing and non-ionizing radiation to human beings for diagnostic or therapeutic
203 purposes.

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

209 (2) “indirect supervision” or “general supervision” means not in the physical presence of a
210 licensed practitioner or medical imaging or radiation therapy professional during the performance of the procedure, but
211 who is readily available to assist, evaluate, and approve the individual’s performance of the various tasks involved with
212 application of ionizing and non-ionizing radiation.

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

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215 **B.T.** “Temporary license” means a grant of authority by the department for an individual to perform
216 medical imaging or radiation therapy procedures pursuant to the term and requirements of part 20.3.20.322.

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217 **B.U.** “Vascular sonography” means an examination using ultrasound to generate an image of the
218 peripheral or neck blood vessels.

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219 **B.V.** “Viscera of the thorax” means radiographic examination of the lungs and mediastinum.

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221 **20.3.20.8 ADMINISTRATION AND ENFORCEMENT:** The administration and enforcement of the Act
222 and this part (20.3.20 NMAC) is vested in the department.

224 **20.3.20.9 - 20.3.20.99** [RESERVED]

226 **20.3.20.100 LICENSE REQUIRED.**

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

- 229 (1) use ionizing or non-ionizing radiation for diagnostic, interventional, or therapeutic purposes
230 on humans;

231 (2) use any title, abbreviation, letters, figures, signs, or other devices to indicate the individual
232 is a medical imaging or radiation therapy professional; or
233 (3) engage in any of the medical imaging or radiation therapy modalities or subspecialties.
234 B. **Statutory Exceptions:** Pursuant to the Act, a medical imaging license is not required for:
235 (1) a licensed practitioner;
236 (2) a student under the supervision of a licensed practitioner or under the direct supervision of a
237 medical imaging or radiation therapy professional licensed in the modality and subspecialty in which the student is
238 performing the procedure;

239 (34) a registered nurse or certified nurse-midwife performing ultrasound procedures; provided
240 that:

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

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

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246 (i) identification of an anatomical landmark or blood vessel ~~for the purpose~~
247 ~~of vascular access or administration of anesthesia;~~

248 (ii) assessment of presence or absence of fluid in a body cavity;

249 (iii) assessment of fetal presentation or heartbeat;

250 (iv) fetal monitoring with non-imaging Doppler; or

251 (v) assessment of foreign body position or location.

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

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

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

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

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

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

267

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

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269 B. Statutory exceptions.

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

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272 (1) use ionizing or non-ionizing radiation on humans;

273 (2) use any title, abbreviation, letters, figures, signs or other devices to indicate that the person is a
274 licensed medical imaging professional or radiation therapist; or

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275 (3) engage in any of the medical imaging modalities as defined by the Medical Imaging and
276 Radiation Therapy Health and Safety Act.

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

279 (1) a licensed practitioner;

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

284 (3) a registered nurse or certified nurse-midwife performing ultrasound procedures; provided that
285 the registered nurse or certified nurse-midwife has documented demonstration of competency within the
286 registered nurse's scope of practice in compliance with board of nursing rules or certified nurse-midwife's
287 scope of practice in compliance with department of health rules. A registered nurse or a certified nurse-

midwife may perform ultrasound procedures limited to a focused imaging target. A registered nurse or certified nurse-midwife shall not perform diagnostic ultrasound.

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

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

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

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

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

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

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

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

of this subsection.

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

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

- (1) consult health agencies;
- (2) evaluate availability of alternative medical imaging or radiation therapy services and licensed medical imaging or radiation therapy professionals;
- (3) evaluate documentation from the applicant's employer or prospective employer to demonstrate that recruitment of qualified individuals, at competitive compensation, has been attempted and was unsuccessful. Such demonstration may take the form of:
 - (a) documented advertising in publications pertaining to medical imaging professionals;
 - (b) registration of the position with the New Mexico department of workforce solutions or similar state agency; or
 - (c) documentation of current and past contracting with medical imaging or radiation therapy job placement companies.

20.3.20.101 - 20.3.20.199 [RESERVED]

20.3.20.200 EDUCATIONAL PROGRAMS

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

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

- 351 ~~(a) the program provides both didactic and clinical education;~~
- 352 ~~(b) the program's faculty are licensed practitioners or radiographers;~~
- 353 ~~(c) the curriculum covers all core areas of the Limited Scope of Practice in~~
354 ~~Radiography Examination published by the ARRT;~~
- 355 ~~(d) the curriculum covers all radiographic procedure modules for which graduates will~~
356 ~~seek a limited practice in radiography license;~~
- 357 ~~(e) the program length meets the following minimum number of hours of didactic and~~
358 ~~clinical instruction: 52 hours of instruction~~

- 359 ~~(i) thorax/chest: 225 didactic hours and 160 clinical hours; (12)~~
- 360 ~~(ii) extremities: 250 didactic hours and 450 clinical hours; (60)~~
- 361 ~~(iii) skull/sinuses: 230 didactic hours and 240 clinical hours; (18)~~
- 362 ~~(iv) spine: 225 didactic hours and 240 clinical hours; (30)~~
- 363 ~~(v) podiatric: 220 didactic hours and 160 clinical hours; (10)~~

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

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

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

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

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

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

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384 **20.3.20.201 - 20.3.20.219 [RESERVED]**

386 **20.3.20.220 RECOGNIZED PROGRAMMATIC ACCREDITATION ORGANIZATIONS**

387 A. **Programmatic Accreditation.** To be recognized by the ~~board/department~~, an educational program
388 accreditation ~~organization/agency~~ must be:

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389 ~~(1) accredited by the National commission for certifying agencies (NCCA);~~
390 ~~(2) recognized by the United States department of education (USDE) or the council of higher~~
391 ~~education accreditation (CHEA); and~~

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392 ~~(3) provide programmatic accreditation for the medical imaging or radiation therapy modality~~
393 ~~offered by the educational program.~~

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394 B. **Recognized Programmatic Accreditation Organizations.** Medical imaging or radiation therapy
395 programmatic accreditation ~~organizations/agencies~~ recognized by the ~~board/department~~ include:

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- 396 ~~(1) Commission on accreditation of allied health education programs;~~
- 397 ~~(2) Joint review committee on education of in radiologic technology (JRCERT); and~~
- 398 ~~(3) Joint review committee on educational programs in nuclear medicine technology~~
399 ~~(JRCNMT); and;~~

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400 ~~(3) Joint review committee on education in diagnostic medical sonography (JRCEDMS).~~

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402 **20.3.20.221 - 20.3.20.299 [RESERVED]**

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404 **20.3.20.300 RECOGNIZED CREDENTIALING ORGANIZATIONS**

405 A. Certification Institutions. To be recognized by the board department, an certification institution
406 must be recognized by:

- 407 (1) the american national standards insitutute (ANSI); or
408 (2) the national commission of certifying agencies (NCCS)

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

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- 411 (1) diagnostic medical sonography:
412 (a) american registry for diagnostic medical sonography (ARDMS);
413 (b) american registry of radiologic technologists (ARRT);or
414 (c) cardiovascular credentialing international (CCI).
415 (2) magnetic resonance imaging:
416 (a) american registry of radiologic technologists (ARRT);
417 (b) american registry of magnetic resonance imaging technologists (AMRIT).
418 (3) nuclear medicine:
419 (a) american registry of radiologic technologists (ARRT); or
420 (b) nuclear medicine technology certification board (NMTCB).
421 (4) radiation therapy:
422 (a) american registry of radiologic technologists (ARRT).
423 (5) radiography:
424 (a) american registry of radiologic technologists (ARRT); or
425 (b) certification board of radiology practitioner assistants (CBRPA).

426 **20.3.20.301 RECOGNIZED CREDENTIALS AND CERTIFICATIONS**

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

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- 430 (1) breast sonography:
431 (a) registered diagnostic medical sonographer – breast (ARDMS); or
432 (b) registered radiologic technologist – breast sonography (ARRT).
433 (2) cardiac sonography:
434 (a) registered cardiac sonographer (CCI);
435 (b) registered congenital cardiac sonographer (CCI); or
436 (c) registered diagnostic cardiac sonographer (ARDMS).
437 (3) general sonography:
438 (a) registered diagnostic medical sonographer – abdomen (ARDMS); or
439 (b) registered diagnostic medical sonographer – obstetric/gynecology (ARDMS);
440 (c) registered radiologic technologist – sonography (ARRT); or
441 (4) musculoskeletal sonography:
442 (a) registered in musculoskeletal sonography (ARDMS).
443 (5) phlebology sonography:
444 (a) registered phlebology sonographer (CCI).
445 (6) vascular sonography:
446 (a) registered radiologic technologist – vascular sonography (ARRT);
447 (b) registered vascular technologist (ARDMS)or
448 (c) registered vascular specialist (CCI).
449 (7) magnetic resonance imaging:
450 (a) registered radiologic technologist – magnetic resonance (ARRT); or
451 (b) magnetic resonance imaging technologist (AMRIT).
452 (8) nuclear medicine:
453 (a) certified nuclear medicine technologist (NMTCB); or
454 (b) registered radiologic technologist – nuclear medicine technology (ARRT).
455 (9) radiation therapy:
456 (a) registered radiologic technologist – radiation therapy (ARRT).
457 (10) radiography:
458 (a) registered radiologic technologist – radiography (ARRT).
459 (11) radiologist assistant:
460 (a) certified radiologic practice assistant (CBRPA); or
461 (b) registered radiology assistant (ARRT);

- 462 (12) computed tomography:
463 (a) registered radiologic technologist – computed tomography (ARRT).
464 (13) limited radiography:
465 (a) none.
466

467 **20.3.20.302 - 20.3.20.309** [RESERVED]
468

469 **20.3.20.310 STATE EXAMINATION** (The department wishes to continue to offer state certification
470 examinations.

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471 A. **Administration of State Examinations.** After the effective date of this part, the department will
472 only rely on the methods identified in section 20.3.20.320 to determine eligibility for licensure. The department will
473 not offer state examinations for medical imaging and radiation therapy professionals except for limited practice in
474 radiography.

475 B. **Previous Licensure Based on State Examination.** Except for a limited practice in radiography
476 licensee, a medical imaging or radiation therapy licensee previously issued a license by the department based on
477 successful completion of a department-administered state examination, but who does not currently hold a credential or
478 certification in the licensed imaging modality and subspecialty, must provide evidence of current credential or
479 certification in the licensed imaging modality or subspecialty before January 1, 2019.

480 C. **State Examination for Limited Practice of Radiography.** An individual seeking a license for the
481 limited practice of radiography shall either qualify based on an examination of credentials under section 320 of this
482 part or by successfully completing a state examination for limited practice of radiography. To apply for the state
483 examination, the individual must:

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484 (1) submit a limited practice of radiography application with documentation that the individual
485 has:

486 (a) completed school through the twelfth (12th) grade or has passed a high school
487 equivalency examination;
488 (b) successfully completed an approved program in one or more of the body areas of
489 specialization;

490 (2) submit the required examination fee to the department;

491 (3) successfully complete a written or computerized examination administered by the
492 department with a minimum score of seventy-five (75) percent on both the core section ~~and~~ in each attempted body
493 area section of the examination.

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

495 (1) If an applicant fails to achieve seventy-five (75) percent on either the core section or a body
496 area specialization section of the examination, it will be considered an examination failure.

497 (2) The applicant must re-apply and pay the examination fee for each examination attempt.

498 (3) All sections of the examination taken on the same day are considered one examination
499 attempt.

500 (4) The applicant must only retake the failed section or sections.

501 (5) An individual who attempts and fails the state-administered examination three times will be
502 required to demonstrate to the department the successful completion of remedial education or training following the
503 third attempt that is consistent with the ARRT standards before being eligible to take the examination again.
504

505 **20.3.20.311 - 20.3.20.319** [RESERVED]
506

507 **20.3.20.320 LICENSURE BY EXAMINATION OF CREDENTIALS**

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

511 (1) has completed school through the twelfth (12th) grade or has passed a high school
512 equivalency examination; and is either:

513 (a) currently certified by a medical imaging or radiation therapy credentialing
514 organization recognized by the board; or

515 (b) is currently licensed as a medical imaging or radiation therapy professional in
516 another state, provided the license from that state was issued based on qualifications at least as stringent as the
517 standards established by the Act and this part.

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

519 (1) An individual seeking a limited practice of radiography license through examination of
 520 credentials must demonstrate that the applicant:
 521 (a) has completed school through the twelfth (12th) grade or has passed a high school
 522 equivalency examination;
 523 (b) is currently licensed as a limited practice radiographic technologist or its equivalent
 524 in another state, provided the license from that state was issued based on qualifications at least as stringent as the
 525 standards established by the Act and this part; and
 526 (c) meets all other applicable requirements of the Act and this part.

527 (2) An applicant for limited practice of radiography license based upon examination of
 528 credentials must submit an application and fees to the department. If the department determines that the applicant
 529 meets all requirements, the department shall issue a limited practice of radiography license to the applicant.

530 B. **Limited Waiver.** The requirement that an applicant for a sonography or MRI license under section
 531 20.3.20.321, subsection A, subparagraphs (a) through (g) to have a current credential in the modality and subspecialty
 532 may be waived by the department until January 1, 2019. Such limited waiver does not remove the requirement for an
 533 individual to obtain a license in these imaging modalities.

534 MIRTAC needs to specify in these rules what supporting documents must be submitted from individuals that are
 535 performing diagnostic ultrasound and MRI procedures in order for the department to issue those individuals a license
 536 upon the effective date of these rules.

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

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541 **20.3.20.321 LICENSES**

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

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

- 546 (1) is twenty-four (24) months;
- 547 (2) begins on the date the license is granted;
- 548 (3) ends on the last day of the month issued;
- 549 (4) if applicable, the expiration date of any current license or licenses will be changed to match
 550 the expiration date of any newly granted license.

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551 C. **Request for Coordination of License and Credential Expiration Dates.** At the written request of
 552 the licensee, the expiration date of their license or licenses may be reduced to match their current credentialing
 553 organization's expiration date. Such reduction in term shall not reduce the applicant or licensee's license biennial
 554 licensure fee.

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555 D. **Types of License.** Upon demonstration of compliance with all applicable requirements of the Act
 556 and this part, the department may grant one or more of the following types of license:

- 557 (a) breast sonography [BR];
- 558 (b) cardiac sonography [CS] ;
- 559 (c) general sonography [DMS];
- 560 (d) musculoskeletal sonography [MSK];
- 561 (e) phlebology sonography [PBS];
- 562 (f) vascular sonography [VS];
- 563 (g) magnetic resonance imaging [MRI];
- 564 (h) nuclear medicine [NMT];
- 565 (i) radiation therapy [RTT];
- 566 (j) radiography [RRT];
- 567 mammography
- 568 (k) radiologist assistant [RRA];
- 569 (l) computed tomography [CT];
- 570 (m) limited radiography: viscera of the chest/thorax [LXT];
- 571 (n) limited radiography: extremities [LXE];
- 572 (o) limited radiography: axial/appendicular skeleton [LXV]; or
- 573 (p) limited radiography: podiatric [LXP].

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574 (The Department Recommended Listing:)

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

- (a) diagnostic medical sonographer (DMS);
- (b) diagnostic vascular technologist (RVT);
- (c) diagnostic musculoskeletal technologist (MSK);
- (d) limited x-ray machine operator chest & thorax (LXT);
- (e) limited x-ray machine operator extremities (LXE);
- (f) limited x-ray machine operator podiatric (LXP);
- (g) limited x-ray machine operator vertebral column (LVX);
- (h) magnetic resonance technologist (MRT);
- (i) nuclear medicine technologist (NMT);
- (j) radiation therapy technologist (RTT);
- (k) radiographic radiologic technologist (RRT); or
- (l) radiologist assistant (RA).

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

20.3.20.322 TEMPORARY LICENSES

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

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

B. **Temporary License Term.** A temporary license:

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

C. **Restrictions.** A temporary licensee:

- (1) must apply to the department for a medical imaging or radiation therapy license within thirty (30) days of expiration date of temporary license.
- (2) may only provide the authorized medical imaging or radiation therapy modality and subspecialty under the supervision of a licensed practitioner, or a medical imaging or radiation therapy professional 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).)~~

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

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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:

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

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

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

640 D. **Applicability to Licensee Enrolled in Approved Program.** This subsection does not apply to a
641 licensee who is currently enrolled in an approved program leading to qualification for another sonography subspecialty.
642

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

644
645 **20.3.20.323 CROSS TRAINING: RADIOGRAPHY, NUCLEAR MEDICINE, OR RADIATION**
646 **THERAPY**

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647 A. **Cross training.** Licensees in radiography, nuclear medicine, or radiation therapy modalities may
648 cross train in another of these modalities and their subspecialties, if applicable, provided the licensee:
649 (1) submits an application and fee to the department identifying the modality and subspecialty;
650 (2) adheres to the educational pathways, standards, and guidelines of a national credentialing
651 organization for that subspecialty;
652 (3) performs such studies under direct or indirect supervision of a
653 (a) medical imaging or radiation therapy licensee in that modality and subspecialty;
654 (b) a physician or other licensed health care provider who is qualified to interpret and
655 diagnose in the imaging modality and subspecialty; and
656 (4) attains certification for that modality and subspecialty within four (4) years of submission of
657 the application to the department.

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

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

665 D. **Applicability to Licensee Enrolled in Approved Program.** This subsection does not apply to a
666 licensee who is currently enrolled in an approved program leading to qualification for another modality and
667 subspecialty license.
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669 **20.3.20.325 - 20.3.20.329 [RESERVED]**

670
671 **20.3.20.330 CONTINUING EDUCATION**
672 **Continuing Education.**

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

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

682 C. **Audit.** The department may audit a licensee's continuing education and continuing compliance with
683 requirements of the Act and this part. A licensee must submit the audit information requested by the department within
684 thirty (30) days of receipt of the notification of audit. No application or fees are required when submitting information
685 requested by the department for an audit.
686

687 **20.3.20.331 - 20.3.20.339 [RESERVED]**

688
689 **20.3.20.340 SCOPE OF PRACTICE** (The Department recommends that the Scope of Practice be
690 determined by the National professional organizations for each license type.)

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- 691 A. **General Provisions.**
- 692 (1) A medical imaging and radiation therapy licensee functions as a delegated agent of a
- 693 supervising physician;
- 694 (2) A licensee’s scope of practice is determined based upon the licensee’s education and
- 695 training, nationally recognized clinical practice standards, state and federal law, and facility policy.
- 696 B. **Limited Practice in Radiography.** A limited practice in radiography licensee may not:
- 697 (1) perform procedures outside the areas of specialization authorized under the individual’s
- 698 license;
- 699 (2) perform procedures outside their scope of practice including, but not limited to: procedures
- 700 involving the use of contrast media, fluoroscopic equipment, mammography, computed tomography, mobile or bedside
- 701 radiography, diagnostic medical sonography, magnetic resonance imaging, nuclear medicine, or radiation therapy.
- 702 C. **Radiologist Assistant.** A radiologist assistant shall perform under the supervision of a radiologist
- 703 and shall not interpret images, render diagnoses, or prescribe medications or therapies.
- 704 D. **Sonographer.** A sonographer may provide limited non-diagnostic preliminary findings, such as a
- 705 fetal gender, directly to a patient in accordance with written facility policy.

706 **20.3.20.341 - 20.3.20.349 [RESERVED]**

707 **20.3.20.350 DUTIES OF LICENSEE**

- 709 A. **Continuing to Comply with Requirements.** A licensee must:
- 710 (1) continue to comply with all licensure requirements of the Act and this part throughout the
- 711 license term;
- 712 (2) maintain credential or certification in their licensed imaging modality and subspecialty, if
- 713 applicable, throughout the licensure period or notify the department in writing within thirty (30) days that a credential
- 714 or certification is no longer being maintained;
- 715 (2) notify the department in writing within thirty (30) days of any pending or final actions by a
- 716 credentialing organization, state agency, or federal agency against the licensee; and
- 717 (3) notify the department in writing within thirty (30) days of lapse, probation, suspension, or
- 718 revocation of any professional license.
- 719 B. **Expired, Suspended, or Revoked License.** An individual whose license has expired, or has been
- 720 suspended or revoked by the department, shall not perform medical imaging or radiation therapy procedures.
- 721 C. **Duty to Cooperate with Department.** An applicant or licensee has a duty to cooperate with the
- 722 department during an investigation or inspection authorized under the Act, this part, or other state or federal law.
- 723 D. **Reporting Violations.** A licensee has a duty to report a violation of the Act, this part, or other state
- 724 or federal law to the department or other appropriate agency.
- 725 D. **Supervision of Students or Licensees.**
- 726 (1) A limited practice of radiography licensee shall only provide supervision of a limited
- 727 practice of radiography student or licensee.
- 728 (2) A medical imaging or radiation therapy licensee may provide supervision to a medical
- 729 imaging or radiation therapy student or licensee in the same modality and specialization as the licensee. A radiographer
- 730 may provide supervision to a limited practice of radiography student or licensee.
- 731
- 732

733 **20.3.20.351 CERTIFICATE OF LICENSURE**

- 734 A. **Display of Certificate of Licensure.** Original certificates of licensure shall be publicly displayed by
- 735 the licensee at each place of employment.
- 736 B. **Photocopying or Reproduction Prohibited.** Photocopying or other reproduction of a certificate of
- 737 licensure is prohibited. To obtain a duplicate certificate of licensure, the licensee must submit a duplicate certificate of
- 738 licensure application and fee to the department.

739 ~~(The Department does not support sections (C)~~

- 740 ~~C. **Lost or Stolen Certificate of Licensure.** A licensee must notify the department in writing within~~
- 741 ~~thirty (30) days if a certificate of licensure is lost or stolen.~~
- 742 ~~D. **Replacement Certificate of Licensure.** The department may issue a replacement certificate of~~
- 743 ~~licensure if a:~~
- 744 (1) certificate of licensure is damaged, lost, or stolen; or
- 745 (2) licensee’s legal name has changed.
- 746 To obtain a replacement certificate of licensure, the licensee must submit documentation of legal name change
- 747 (if applicable), a replacement certificate of licensure application, and required fee to the department.
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20.3.20.352 - 20.3.20.399 [RESERVED]

20.3.20.400 RENEWAL, REINSTATEMENT, AND REAPPLICATION.

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

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

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

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

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

(5) All required items must be received by the department prior to the expiration date on the licensee’s current certificate of licensure or the renewal application shall be considered incomplete. Failure to submit a complete license renewal application and licensee will be subject to a reinstatement fee. An earlier postmark date shall not excuse the reinstatement fee.

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

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

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

20.3.20.401 - 20.3.20.499 [RESERVED]

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

20.3.20.500 DEPARTMENT FORMS, CONFIDENTIALITY, AND RELEASE OF PERSONAL INFORMATION

A. **Department Forms Required.**

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

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

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

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

(a) all required information;

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

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

(d) date and signature of the applicant.

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

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

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

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

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

20.3.20.501 FEES

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

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808 B. ~~Initial License Fee.~~**Biennial Licensure Fee.** An initial license fee of \$100.00 must be submitted
809 with each initial license application, regardless of the number of modality and subspecialty licenses requested on the
810 same application.

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

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

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

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

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

823 ~~(The Department does not support this section (H)).~~

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824 H. **Cross Training Fee.** A cross-training fee of \$25.00 must be submitted with each cross training
825 application.

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

828 J. **Refunds.** Fees submitted to the department are non-refundable. However, if the department
829 determines that fees have been received in excess of the amount legally due, the department will refund the excess
830 amount upon receipt of a written request from the individual who paid the fee, or that individual's legal representative.
831
832

833 **20.3.20.502 - 20.3.20.599 [RESERVED]**

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

836 **20.3.20.600 DENIAL, REVOCATION, OR SUSPENSION OF LICENSE**

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

839 B. **Suspension, revocation, application of Uniform licensing act.** The board, with advice from the
840 advisory council, may deny, revoke, or suspend a license granted or applied for under the Act and this part based on the
841 grounds that the medical imaging or radiation therapy licensee or applicant:
842

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

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

846 (3) is unfit or incompetent;

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

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

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849 (5) is mentally incompetent;

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

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852 (7) has failed to maintain a credential or certification in the modality and subspecialty for which
853 a license was granted;

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854 (8) has engaged in any practice beyond the licensee's scope of practice, state or federal law, or
855 facility policy;

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

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

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

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

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864 (14) is not in compliance with the terms of the New Mexico parental responsibility act [NMSA
865 1978, 40-5A-1 to 40-5A-13] provided, in taking action under this provision, the board shall follow the procedures in
866 20.1.7 NMAC named "Parental Responsibility Act Compliance."
867 C. **Unprofessional or unethical conduct.** With respect to the grounds for denial, revocation, or
868 suspension under NMSA 1978 section 61-14E-11, references to "unprofessional conduct" or "unethical conduct" shall
869 be deemed to include, but shall not be limited to:
870 (1) engaged in the practice of medical imaging or radiation therapy while in an intoxicated
871 condition or under the influence of a narcotic or other drug that impairs consciousness, judgment, or behavior;
872 (2) unethical conduct while engaged in the practice of medical imaging or radiation therapy;
873 (3) willful falsification of records, or destruction or theft of property or records relating to the
874 practice of medical imaging or radiation therapy;
875 (4) failure to exercise due regard for the safety of life or health of the patient;
876 (5) unauthorized access to or disclosure of information relating to a patient's records;
877 (6) discrimination in the practice of medical imaging or radiation therapy against any individual
878 because of race, religion, creed, color, national origin, or sex;
879 (7) convicted of a felony subsequent to licensure by the department;
880 (8) impersonation of a current or former licensee or engaging in the activities of medical
881 imaging or radiation therapy under an assumed name;
882 (9) applying ionizing or non-ionizing radiation to a human being without a specific prescription
883 or direction of a licensed practitioner or other health care practitioner authorized to order a medical imaging or
884 radiation therapy;
885 (10) being determined incompetent or negligent in activities related to medical imaging,
886 radiation therapy, or limited practice of radiography;
887 (11) continuing to practice without obtaining a license or renewal as required by the Act or this
888 part;
889 (12) using the prefix "Dr.", unless entitled to do so pursuant to a degree granted, the word
890 "doctor", or any suffix or affix to indicate or imply that the individual is a licensed practitioner when not so licensed;
891 (13) providing false, misleading, or deceptive information on any application or supporting
892 documents submitted to the department;
893 (14) failing to conform to nationally recognized practice standards as applicable to each modality
894 or subspecialty.
895 (15) failure to disclose in writing to the department any felony conviction or non-compliance
896 with the New Mexico Parental Responsibility Act [NMSA 1978, 40-5A-1 to 40-5A-13] within thirty (30) days of the
897 conviction or judgment; or
898 (16) failure to disclose in writing to the department any sanction, probation, suspension, or
899 revocation by a state agency or credentialing organization within thirty (30) days of such occurrence.
900 D. **Application of Uniform Licensing Act.** The department shall comply with the provisions of the
901 Uniform Licensing Act and any rules or regulations promulgated thereunder.
902
903 **20.3.20.601 - 20.3.20.699 [RESERVED]**
904
905 **20.3.20.700 SEVERABILITY:** If any provision or application of this part is held invalid, the remainder, or its
906 application to other situations or persons, shall not be affected.
907
908 **20.3.20.701 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS:** This part shall be
909 construed as amending and superseding the Regulations on the Practice of Radiologic Technology, EIB/MRHSA 1,
910 filed January 11, 1988, as amended. All references to the regulations on the practice of radiologic technology in any
911 other rule shall be construed as a reference to this part.
912
913 **20.3.20.702 SAVING CLAUSE:** Supersession of the regulations on the practice of medical imaging or radiation
914 therapy shall not affect any administrative or judicial enforcement action pending on the effective date of this part nor
915 the validity of any license granted or certificate of licensure issued pursuant to the regulations on the practice of
916 medical imaging or radiation therapy.
917
918 **20.3.20.703 CONSTRUCTION:** This part shall be liberally construed to effectuate the purpose of the Act.
919
920 **20.3.20.704 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this part does not relieve an
921 individual from the obligation to comply with other applicable state and federal regulations.

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