

MIRTAC meeting held on August 16, 2013

Discussion draft version of proposed changes or replacement to 20.3.20 NMAC

Legend:

~~[PROPOSED DELETED TEXT OF 20.3.20 NMAC]~~

PROPOSED NEW TEXT FOR 20.3.20 NMAC

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 3 RADIATION PROTECTION
PART 20 ~~[RADIOLOGIC TECHNOLOGY CERTIFICATION]~~ MEDICAL IMAGING AND RADIATION THERAPY LICENSURE

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

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

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

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

20.3.20.5 ~~[EFFECTIVE DATE: August 31, 2005, unless a later date is cited at the end of a section.]~~ EFFECTIVE DATE: January 1, 2014, unless a later date is cited at the end of a section.
[20.3.20.5 NMAC - Rp, 20 NMAC 3.2.I.104, 8/31/2005]

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

20.3.20.7 ~~[DEFINITIONS: As used in this part (20.3.20 NMAC)-~~
~~A. "ACLS" means advanced cardiac life support.~~
~~B. "ACRRT" means American chiropractic registry of radiologic technologist.~~
~~C. "Act" means the Medical Radiation Health and Safety Act, Sections 61-14E-1 to 61-14E-12 NMSA 1978.~~
~~D. "Advisory council" means the radiation technical advisory council (RTAC).~~
~~E. "Applying ionizing radiation" means to use ionizing radiation for diagnostic or therapeutic purposes, including tasks having direct impact on the radiation burden of the patient, such as, but not limited to:~~
~~(1) positioning the patient, film and beam;~~
~~(2) selection of exposure factors or treatment parameters;~~
~~(3) preparation, calibration and injection of radiopharmaceuticals; and~~
~~(4) actuating the production of radiation.~~

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

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

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

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

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

~~G. “ARRT” means the American registry of radiologic technologists.~~

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

~~(1) positioning the patient;~~

~~(2) positioning the source of radiation;~~

~~(3) selecting any exposure factors; or~~

~~(4) actuating the production of radiation.~~

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

~~J. “Board” means the environmental improvement board.~~

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

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

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

~~(1) chest and thorax;~~

~~(2) extremities;~~

~~(3) dentistry;~~

~~(4) vertebral column;~~

~~(5) podiatric; or~~

~~(6) cranium.~~

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

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

~~P. “Contact hour” means fifty (50) minutes.~~

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

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

8 ~~S. “Cranium” means radiographic examination of the skull, facial bones, nasal bones, orbits,~~
9 ~~pantomography mandible or paranasal sinuses.~~

10 ~~T. “Department” means the New Mexico environment department.~~

11 ~~U. “Didactic instruction” means classroom instruction.~~

12 ~~V. “Direct supervision” means in the physical presence of a licensed practitioner or radiologic~~
13 ~~technologist who assists, evaluates and approves of the individual’s performance of the various tasks involved with~~
14 ~~application of ionizing radiation.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 ~~AQ~~ “Vertebral column” means radiographic examination of the cervical, thoracic and lumbar spine
16 and scoliosis survey.] **DEFINITIONS:** As used in this part.

17 A. “Act” means the Medical Imaging and Radiation Therapy Health and Safety Act, Sections 61-
18 14E-1 to 61-14E-12 NMSA 1978.

19 B. “Advisory council” means the medical imaging and radiation therapy advisory council
20 (MIRTAC).

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

- 23 (1) positioning the patient, image receptor, and beam;
24 (2) selection of exposure factors or treatment parameters;
25 (3) preparation, calibration, and injection of pharmaceuticals and radiopharmaceuticals in
26 accordance with a licensee’s scope of practice and facility policy; and
27 (4) actuating the production of radiation.

28 D. “Approved program” means a medical imaging or radiation therapy educational program that
29 meets the requirements of 20.3.20.200 NMAC.

30 E. “ARDMS” means the American registry for diagnostic medical sonography.

31 F. “ARMRIT” means American registry of magnetic resonance imaging technologists.

32 G. “ARRT” means the American registry of radiologic technologists.

33 H. “Assistance” means any activity performed under the supervision or direction of a licensed
34 practitioner or a medical imaging or radiation therapy professional, except:

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

39 I. “Axial/appendicular skeleton” means the chest and extremities.

40 J. “Board” means the environmental improvement board.

41 K. “CAAHEP” means the commission on accreditation of allied health education programs.

42 L. “Cardiac sonography” or “echocardiography” means an examination using ultrasound to generate
43 an image of the heart or major blood vessels.

44 M. “Category A” means a continuing education activity approved by an organization recognized by
45 the ARRT as a RCEEM.

46 N. “CCI” means the cardiovascular credentialing international.

47 O. “Certificate of licensure” means a document issued by the department that lists the type or types of
48 license granted to an individual.

49 P. “Certificate of limited practice” or “limited practice of radiography license” means a license
50 granted by the department to an individual other than a licensed practitioner or radiographer who performs restricted
51 diagnostic radiography procedures under the supervision of a licensed practitioner or radiographer on the following
52 designated anatomical sites or limited anatomical areas:

- 53 (1) viscera of the thorax;
54 (2) extremities;
55 (3) axial/appendicular skeleton; or
56 (4) foot, ankle, or lower leg.

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1 Q. “Certified nurse mid-wife” means a certified nurse-midwife licensed by the board of nursing as a
2 registered nurse and registered with the department of health as a certified nurse-midwife.

3 R. “Clinical instruction” means hands-on educational experience in a health care setting such as a
4 hospital, clinic, or physician’s office, under the direct supervision of a licensed practitioner or a medical imaging or
5 radiation therapy licensee.

6 S. “Continuing education” (CE) or “continuing medical education” (CME) means a learning activity
7 that is planned, organized, and administered to enhance the professional knowledge and skill of the licensee.

8 T. “Credential” or “certification” means the recognition awarded to an individual who meets the
9 initial and ongoing requirements of a credentialing or certification organization.

10 U. “Credentialing organization” or “certification organization” means an organization accredited by
11 NCCA and recognized by the department that issues credentials through testing or evaluation and determines that an
12 individual has met defined standards for training and competence in a medical imaging or radiation therapy modality
13 and subspecialty.

14 V. “Department” means the New Mexico environment department.

15 W. “Diagnostic ultrasound” or “ultrasound examination” or “sonogram” means the use of ultrasound
16 and sonographic equipment to create medical images for interpretation by a licensed practitioner or other qualified
17 health care practitioner that provide diagnostic information about a patient’s medical condition. It does not mean a
18 procedure using ultrasound on a focused imaging target to assess specific and limited information about a patient’s
19 immediate medical condition or to provide real-time visual guidance for another procedure.

20 X. “Didactic instruction” means academic instruction.

21 Y. “Duplicate certificate of licensure” means an additional original certificate of licensure issued by
22 the department.

23 Z. “Extremities” means the fingers, hand, wrist, radius/ulna, elbow, humerus, pectoral girdle
24 (shoulder joint and clavicle), toes, foot, ankle, calcaneus, tibia/fibula, patella, knee, or distal femur, but does not
25 include the skull, spine, hip, or pelvis.

26 AA. “Facility” means a hospital, clinic, medical office, mobile lab, or other location where medical
27 imaging or radiation therapy is provided.

28 AB. “Focused imaging target” means a discrete anatomical target to which ultrasound is applied to
29 create an image for assessment of specific and limited information about a patient’s immediate medical condition or
30 to provide visual guidance for another procedure. An ultrasound procedure on a focused imaging target does not
31 supplant a diagnostic ultrasound examination.

32 AC. “General sonography” means an examination using ultrasound to create an image of the abdomen,
33 chest, pelvis, pregnant uterus, small parts, or superficial structures.

34 AD. “Graduate” means an individual who has successfully completed the medical imaging or radiation
35 therapy didactic and clinical education in an approved program, including documented clinical proficiency, and:

36 (1) met all other requirements for credentialing or certification by a credentialing
37 organization including completion of the certification examination, but who has not received the examination
38 results; or

39 (2) completed a state-administered limited practice in radiography examination but has not
40 received the examination results.

41 AE. “Interventional” means to diagnose or treat patients using medical imaging devices. Interventional
42 procedures may include, but are not limited to: radiation therapy, organ biopsy, angiography, angioplasty, and
43 catheter-delivered stents. Interventional does not mean needle or catheter placement for vascular access or delivery
44 of medicine or anesthesia, or the use of non-ionizing energy for non-imaging therapeutic or treatment purposes.

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

48 AG. “JRCCVT” means the Joint review committee on education in cardiovascular technology.

49 AH. “JRCDMS” means the Joint review committee on education in diagnostic medical sonography.

50 AI. “JRCERT” means the Joint review committee on education in radiologic technology.

51 AJ. “License” means a grant of authority by the department for an individual to perform medical
52 imaging or radiation therapy procedures.

53 AK. “License term” means a length of licensure as indicated on the certificate of licensure issued by
54 the department.

55 AL. “Licensee” means an individual who has met and continues to meet all requirements of the Act
56 and this part.

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1 AM. "Licensed practitioner" means an individual licensed to practice medicine, dentistry, podiatry,
2 chiropractic or osteopathy in this state.

3 AN. "Licensure" means the grant of authority by the department for an individual to perform medical
4 imaging or radiation therapy procedures.

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

8 AP. "Lower leg" means the knee and ankle and portions of the leg between the knee and ankle.

9 AQ. "Magnetic resonance imaging" means an examination using magnetic fields and radio frequency
10 signals to generate an image.

11 AR. "Magnetic resonance technologist" means an individual other than a licensed practitioner who
12 performs magnetic resonance imaging procedures under the supervision of a licensed practitioner.

13 AS. "Medical imaging" means the use of substances or equipment emitting ionizing or non-ionizing
14 radiation on humans for diagnostic or interventional purposes.

15 AT. "Medical imaging professional" means an individual who has been granted a license by the
16 department in at least one medical imaging modality.

17 AU. "Modality" means the medical imaging procedures or technologies including:

18 (1) diagnostic medical sonography and all of its subspecialties;

19 (2) magnetic resonance imaging and all of its subspecialties;

20 (3) nuclear medicine technology and all of its subspecialties;

21 (4) radiation therapy and all of its subspecialties; and

22 (5) radiography and all of its subspecialties.

23 AV. "Musculoskeletal sonography" or "musculoskeletal ultrasound" means an examination using
24 ultrasound to generate an image of a superficial muscle, tendon, ligament, or joint.

25 AW. "NCCA" means national commission for certifying agencies.

26 AX. "NMTCB" means the nuclear medicine technologist certification board.

27 AY. "Non-ionizing radiation" means the static and time-varying electric and magnetic fields and radio
28 frequency, including microwave radiation and ultrasound.

29 AZ. "NPDB" means the national practitioner data bank.

30 BA. "Nuclear medicine technologist" means an individual other than a licensed practitioner who
31 performs nuclear medicine procedures, venipuncture, and compounds, calibrates, dispenses, and administers
32 pharmaceuticals, radiopharmaceuticals, and radionuclides under the supervision of a licensed practitioner.

33 BB. "Obstetrical ultrasound" or "obstetrical sonogram" means a diagnostic ultrasound exam performed
34 for the purpose of fetal biometry, fetal number, anatomic survey, or follow-up examination for a known or suspected
35 anomaly or growth disturbance of the fetus and may include an evaluation of the maternal uterus or adnexa.

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

39 BD. "Phlebology" means ultrasound examination of superficial veins in the lower extremities for the
40 identification and treatment of venous disease.

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

43 BF. "Podiatric" means radiographic examination of the toes, foot, ankle, calcaneus, distal tibia/fibula,
44 but does not include the knee joint.

45 BG. "Programmatic accreditation" means a specialized accreditation process that examines the medical
46 imaging or radiation therapy program within an educational institution.

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

48 BI. "Radiation therapy technologist" or "radiation therapist" means an individual other than a licensed
49 practitioner who utilizes ionizing radiation for the planning and delivery of therapeutic procedures under the
50 supervision of a licensed practitioner.

51 BJ. "Radiographer" means an individual other than a licensed practitioner who applies radiation to
52 humans for diagnostic purposes under the supervision of a licensed practitioner.

53 BK. "Radiologic subspecialty" means an area of specialization within the radiography modality
54 recognized by the department for purposes of licensure, including:

55 (1) computed tomography; or

56 (2) mammography.

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1 BL. “Radiologic technologist” or “radiation technologist” means a medical imaging or radiation
2 therapy professional licensed by the department in one or more of the imaging modalities.

3 BM. “Radiologist assistant” means an individual licensed as a radiographer who holds additional
4 certification as a registered radiologist assistant by the American registry of radiologic technologists.

5 BN. “Recognized continuing education evaluation mechanism” (RCEEM) means a recognition
6 mechanism of the ARRT for evaluating the content, quality, and integrity of a continuing education activity.

7 BO. “Registered nurse” means a person licensed as a registered nurse pursuant to the provisions of
8 Chapter 61, Article 3 NMSA 1978.

9 BP. “Remedial education” or “remedial training” means additional education or training required for
10 an individual to re-qualify to take a state-administered examination for the limited practice of radiography.

11 BQ. “Scope of practice” means nationally recognized practice standards as applicable to each medical
12 imaging modality and subspecialty, unless superseded by the Act, this part, or written facility policy.

13 BR. “Small parts” means superficial structures or anatomy including, but not limited to: axilla, chest or
14 abdominal wall, penis, scrotum or testicles, thyroid, parathyroid, and other non-vascular structures of the neck or
15 extremities.

16 BS. “Sonographer” or “echocardiographer” or “vascular technologist” means an individual other than
17 a licensed practitioner who applies ultrasound to humans for diagnostic and interventional purposes under the
18 supervision of a licensed practitioner.

19 BT. “Sonography” or “ultrasound” means the use of high frequency sound waves (above 20,000 cycles
20 per second) with specialized equipment to direct the sound waves into an area of the human body to generate an
21 image.

22 BU. “Sonography subspecialty” means an area of specialization within the sonography modality
23 recognized by the department for purposes of licensure, including:

24 (1) abdominal sonography;

25 (2) breast sonography;

26 (3) cardiac sonography;

27 (4) musculoskeletal sonography ;

28 (5) obstetric/gynecology sonography;

29 (6) phlebology sonography; or

30 (7) vascular sonography.

31 BV. “Student” means an individual enrolled in and attending a school or college of medicine,
32 osteopathy, chiropractic, podiatry, dentistry, dental hygiene, or an approved program in medical imaging or radiation
33 therapy.

34 BW. “Subspecialty” means an area of specialization within a medical imaging or radiation therapy
35 modality recognized by the department for purposes of licensure.

36 BX. “Supervision” means responsibility for, and control of quality, radiation safety, and protection and
37 technical aspects of the application of ionizing and non-ionizing radiation to human beings for diagnostic or
38 therapeutic purposes.

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

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

48 BY. “Temporary license” means a grant of authority by the department for an individual to perform
49 medical imaging or radiation therapy procedures pursuant to the term and requirements of part 20.3.20.322.

50 BZ. “Vascular sonography” means an examination using ultrasound to generate an image of the
51 peripheral or neck blood vessels.

52 CA. “Viscera of the thorax” means radiographic examination of the lungs and mediastinum.

53 [20.3.20.7 NMAC - Rp, 20 NMAC 3.2.I.106, 8/31/2005]

54
55 **20.3.20.8 ADMINISTRATION AND ENFORCEMENT:** The administration and enforcement of the Act
56 and this part (20.3.20 NMAC) is vested in the department.

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[20.3.20.8 NMAC - Rp, 20 NMAC 3.2.I.107, 8/31/2005]

~~[20.3.20.9 – 20.3.20.199 – [RESERVED]]~~ 20.3.20.9 – 20.3.20.99 [RESERVED]

20.3.20.100 LICENSE REQUIRED

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;

(4) a licensed nurse or licensed nurse-midwife performing ultrasound procedures; provided that:

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

(b) a licensed nurse or a licensed nurse-midwife may perform ultrasound procedures limited to a focused imaging target. A focused imaging target includes:

(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.

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

(5) 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;

(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.

(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.

(ii) The board may approve or deny an application based on whether it finds adequate evidence the certification and examination program ensures appropriate education, training, and clinical experience while ensuring health and patient safety.

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

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;

(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; and

(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.

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

4
5 **E. Temporary exemption application denial.** The department, with the advice of the advisory
6 council, shall resolve appeals of a denial of an application for temporary exemption. When making a determination
7 of existence of community hardship, the department will:

8 (1) consult health agencies;
9 (2) evaluate availability of alternative medical imaging or radiation therapy services and
10 licensed medical imaging or radiation therapy professionals;

11 (3) evaluate documentation from the applicant's employer or prospective employer to
12 demonstrate that recruitment of qualified individuals, at competitive compensation, has been attempted and was
13 unsuccessful. Such demonstration may take the form of:

14 (a) documented advertising in publications pertaining to medical imaging
15 professionals;

16 (b) registration of the position with the New Mexico department of workforce
17 solutions or similar state agency; or

18 (c) documentation of current and past contracting with medical imaging or radiation
19 therapy job placement companies.

20
21 **20.3.20.101 – 20.3.20.199 [RESERVED]**

22
23 **20.3.20.200 EDUCATIONAL ~~[REQUIREMENTS:]~~PROGRAMS:**

24 **A. ~~[Full certificate.~~ The educational program for a full certificate shall be in nuclear medicine,**
25 **~~radiation therapy, or radiography, and shall be accredited by the United States department of education, joint review~~**
26 **~~committee on education in radiologic technology and joint review committee on education in nuclear medicine~~**
27 **~~technology.]~~ Approved programs: Limited practice in radiography. An approved program in limited practice of**
28 **radiography is an educational program that has applied to the department and has been approved by the advisory**
29 **council.**

30 (1) Before enrolling students or offering courses, an educational program for limited practice in
31 radiography shall submit a proposal to the department requesting approval of a limited practice in radiography
32 program. The proposal must include documentation to the department including verification that:

33 (a) the programs provides didactic and clinical education;

34 (b) the program's faculty are licensed practitioners or radiographers;

35 (c) the curriculum covers all core areas of the limited scope of practice in radiography
36 examination published by the ARRT;

37 (d) the curriculum covers all radiographic procedure modules for which graduates will seek a
38 limited practice in radiography license;

39 (e) the program length meets the following minimum number of hours of didactic and
40 clinical instruction:

41 (i) viscera of the thorax: 225 didactic hours and 160 clinical hours;

42 (ii) extremities: 250 didactic hours and 450 clinical hours;

43 (iii) axial/appendicular skeleton: 225 didactic hours and 240 didactic hours;

44 (iv) foot, ankle or lower leg: 220 didactic hours and 160 clinical hours.

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

47 **B. ~~[Certificate of limited x-ray machine operation.~~**

48 ~~(1) The approved program for a certificate of limited x-ray machine operation shall include didactic~~
49 ~~and clinical instruction of the type and quantity indicated in the applicable subsections of this section. The~~
50 ~~recommended topics for radiation safety and protection should include a discussion of ionizing radiation including~~
51 ~~definition, sources, radiation bio-effects, radiation safety and protection relevant to national council of radiation~~
52 ~~protection and measurement reports and standards (NCRPMRS) and radiation risks associated with the specific~~
53 ~~procedure. The ratio between human and educational aid assisted instruction should be at least forty to sixty~~
54 ~~(40:60), that is, a particular subject category should consist of no less than forty percent (40%) human instruction~~
55 ~~and no more than sixty percent (60%) educational aids assisted content in a didactic setting. The minimum~~
56 ~~recommended hours are specified in subparagraphs (a) through (f) of this paragraph.~~

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1 ~~_____ (a) For chest and thorax procedures, the didactic educational program shall include:~~
2 ~~**SUBJECT** _____ **CONTACT HOURS**~~
3 ~~Fundamentals, ethics and law of health care _____ 10~~
4 ~~Medical terminology _____ 10~~
5 ~~Patient care in radiologic sciences _____ 30~~
6 ~~Human structure and function _____ 10~~
7 ~~Chest and thorax procedures and positioning _____ 15~~
8 ~~Imaging production and evaluation _____ 60~~
9 ~~Imaging equipment and radiation production _____ 50~~
10 ~~Radiation protection and radiobiology _____ 40~~
11 ~~**TOTAL** _____ **225**~~

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

14 ~~_____ (b) For extremities procedures, the didactic educational program shall include:~~
15 ~~**SUBJECT** _____ **CONTACT HOURS**~~
16 ~~Fundamentals, ethics and law of health care _____ 10~~
17 ~~Medical terminology _____ 10~~
18 ~~Patient care in radiologic sciences _____ 30~~
19 ~~Human structure and function _____ 10~~
20 ~~Extremities procedures and positioning _____ 40~~
21 ~~Imaging production and evaluation _____ 60~~
22 ~~Imaging equipment and radiation production _____ 50~~
23 ~~Radiation protection and radiobiology _____ 40~~
24 ~~**TOTAL** _____ **250**~~

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

26 ~~_____ (c) For dental diagnostic procedures, the didactic educational program shall include:~~
27 ~~**SUBJECT** _____ **CONTACT HOURS**~~
28 ~~Oral anatomy with radiographic dental technique and positioning _____ 8~~
29 ~~Radiation safety and protection _____ 5~~
30 ~~Darkroom and processing techniques _____ 3~~
31 ~~Laboratory on above subjects _____ 9~~
32 ~~**TOTAL** _____ **25**~~

33 ~~_____ (d) For vertebral column procedures, the didactic educational program shall include:~~
34 ~~**SUBJECT** _____ **CONTACT HOURS**~~
35 ~~Fundamentals, ethics and law of health care _____ 10~~
36 ~~Medical terminology _____ 10~~
37 ~~Patient care in radiologic sciences _____ 30~~
38 ~~Human structure and function _____ 10~~
39 ~~Vertebral procedures and positioning _____ 15~~
40 ~~Imaging production and evaluation _____ 60~~
41 ~~Imaging equipment and radiation production _____ 50~~
42 ~~Radiation protection and radiobiology _____ 40~~
43 ~~**TOTAL** _____ **225**~~

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

46 ~~_____ (e) For podiatric procedures, the didactic educational program shall include:~~
47 ~~**SUBJECT** _____ **CONTACT HOURS**~~
48 ~~Fundamentals, ethics and law of health care _____ 10~~
49 ~~Medical terminology _____ 10~~
50 ~~Patient care in radiologic sciences _____ 30~~
51 ~~Human structure and function _____ 10~~
52 ~~Podiatric procedures and positioning _____ 10~~
53 ~~Imaging production and evaluation _____ 60~~
54 ~~Imaging equipment and radiation production _____ 50~~
55 ~~Radiation protection and radiobiology _____ 40~~
56 ~~**TOTAL** _____ **220**~~

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

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

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

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

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

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

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

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

~~(2) An educational program in a medical imaging or radiation therapy modality and specialty that is in the process of preparing for programmatic accreditation by an accreditation organization recognized by the United States Department of Education (USDE) or the council of higher education accreditation (CHEA); however, programmatic accreditation by an accreditation organization the is recognized by the department must be attained within five years of the establishment of the educational program.~~

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

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

~~[20.3.20.201 – 20.3.20.299 [RESERVED]] 20.3.20.201 – 20.3.20.219 [RESERVED]~~

20.3.20.220 RECOGNIZED PROGRAMMATIC ACCREDITATION ORGANIZATIONS

A. Programmatic accreditation. To be recognized by the department, an educational program accreditation organization must be:

(1) accredited by the national commission for certifying agencies (NCCA);

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

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

B. Recognized programmatic accreditation organizations. Medical imaging or radiation therapy programmatic accreditation organizations recognized by the department include:

(1) commission on accreditation of allied health education programs;

(2) joint review committee on education of radiologic technology; and

(3) joint review committee on educational programs in nuclear medicine technology.

20.3.20.221 – 20.3.20.299 [RESERVED]

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1
2 **20.3.20.300** ~~[CERTIFICATION:]~~ **RECOGNIZED CREDENTIALING ORGANIZATIONS:**

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

- 4 ~~_____ (1) use ionizing radiation on humans;~~
5 ~~_____ (2) engage in any of the radiology specialties as defined by the Act and described in this part (20.3.20~~
6 ~~NMAC);~~
7 ~~_____ (3) use the title "radiologic technologist", "certified radiologic technologist", "radiologist assistant",~~
8 ~~"certified radiologist assistant", "limited x ray machine operator", or "certified limited x ray machine operator";~~
9 ~~_____ (4) use the abbreviated title "CRT", "RT", "RA", "CRA", "LXMO", or "CLXMO"; or~~
10 ~~_____ (5) use any other title, abbreviated title, abbreviation, letters, figures, signs, or other devices to~~
11 ~~indicate the person is a certified radiologic technologist, certified radiologist assistant or a certified limited x-ray~~
12 ~~machine operator.~~

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

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

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

33 ~~_____ (3) **Temporary certification.**~~

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

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

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

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

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

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

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

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

49 ~~_____ (e) holds a full certificate from the department.~~

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

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

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

- ~~(1) personal identification;~~
- ~~(2) education background;~~
- ~~(3) medical radiography, radiation therapy, nuclear medicine technology, radiologist assistant, or limited x ray machine operator education and training;~~
- ~~(4) medically related professional affiliations, certifications and licenses;~~
- ~~(5) medically related work experience;~~
- ~~(6) proposed certification and radiologic technology specialty;~~
- ~~(7) check or money order number and date;~~
- ~~(8) compliance agreement; and,~~
- ~~(9) signature and date.~~

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

- ~~(1) is currently certified by a nationally recognized certifying organization, (i.e., the ARRT or the NMTCB), provided that the department finds that certification was granted on standards that are adequate to meet the purposes of the Act and will afford at least as much protection to the public as are afforded by the standards established by the standards established in this part (20.3.20 NMAC); or~~
- ~~(2) is currently certified as a radiologic technologist or radiologic assistant in another state and has been actively employed as a radiologic technologist or radiologist assistant for a period totaling no less than one year in the three years prior to application at a rate of no less than 1,000 hours per year, such employment must have been in the radiology specialty for which certification is requested, provided the certificate was issued on the basis of qualifications at least as stringent as standards established by this part (20.3.20 NMAC).~~

~~**F. Certification by written examination.**~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~I. **Exceptions.**~~

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

- ~~(a) licensed practitioners;~~
- ~~(b) auxiliary or health practitioners; or~~
- ~~(c) students.~~

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

- (1) diagnostic medical sonography:
 - (a) American registry for diagnostic medical sonography (ARDMS);
 - (b) American registry of radiologic technologists (ARRT); or
 - (c) cardiovascular credentialing international (CCI).
- (2) magnetic resonance imaging:
 - (a) American registry of magnetic resonance imaging technologists (ARMRIT); or
 - (b) American registry of radiologic technologists (ARRT).
- (3) nuclear medicine:
 - (a) American registry of radiologic technologists (ARRT); or
 - (b) nuclear medicine technology certification board (NMTCB).
- (4) radiation therapy:
 - (a) American registry of radiologic technologists (ARRT).
- (5) radiography:
 - (a) American registry of radiologic technologists (ARRT); or
 - (b) certification board of radiology practitioner assistants (CBRPA).

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

20.3.20.301 ~~[**RADIOLOGIST ASSISTANT SCOPE OF PRACTICE;**~~ **RECOGNIZED CREDENTIALS AND CERTIFICATIONS;**

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

- ~~(1) perform selected procedures including static and dynamic fluoroscopic procedures;~~
- ~~(2) assess and evaluate the physiologic and psychological responsiveness of patients undergoing radiologic procedures;~~
- ~~(3) participate in patient management including acquisition of additional imaging for completion of the examination and record documentation in medical records;~~

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- ~~(4) evaluate image quality, make initial image observations and communicate observations to the supervising radiologist; and~~
- ~~(5) administer intravenous contrast media or other prescribed medications.~~
- ~~B. The radiologist assistant may not interpret images, make diagnoses or prescribe medications or therapies.~~
- ~~C. The radiologist assistant shall maintain values congruent with the code of ethics of the American registry of radiologic technologists as well as adhere to national, institutional and department standards, policies and procedures regarding the standards of care for patients.~~
- ~~D. For the purposes of this section, "direct supervision" means the radiologist must be present in the office suite and immediately available to furnish assistance and direction throughout the performance of the procedure. It does not mean that the radiologist must be present in the room when the procedure is performed.] The department recognizes the following medical imaging and radiation therapy credentials and certifications for each type of license issued by the department:~~
- (1) breast sonography:
 - (a) registered diagnostic medical sonographer – breast (ARDMS); or
 - (b) registered radiologic technologist – breast sonography (ARRT).
 - (2) cardiac sonography:
 - (a) registered cardiac sonographer (CCI);
 - (b) registered congenital cardiac sonographer (CCI); or
 - (c) registered diagnostic cardiac sonographer (ARDMS).
 - (3) computed tomography:
 - (a) registered radiologic technologist – computed tomography (ARRT).
 - (4) general sonography:
 - (a) registered diagnostic medical sonographer – abdomen (ARDMS); or
 - (b) registered diagnostic medical sonographer – obstetric/gynecology (ARDMS);
 - (c) registered radiologic technologist – sonography (ARRT); or
 - (5) limited radiography:
 - (a) none.
 - (6) magnetic resonance imaging:
 - (a) registered in magnetic resonance imaging technologist (AMRIT); or
 - (b) registered radiologic technologist – magnetic resonance (ARRT).
 - (7) musculoskeletal sonography:
 - (a) registered in musculoskeletal sonography (ARDMS).
 - (8) nuclear medicine:
 - (a) certified nuclear medicine technologist (NMTCB); or
 - (b) registered radiologic technologist – nuclear medicine technology (ARRT).
 - (9) phlebology sonography:
 - (a) registered phlebology sonographer (CCI).
 - (10) radiation therapy:
 - (a) registered radiologic technologist – radiation therapy (ARRT).
 - (11) radiography:
 - (a) registered radiologic technologist – radiography (ARRT).
 - (12) radiologist assistant:
 - (a) certified radiologic practice assistant (CBRPA); or
 - (b) registered radiology assistant (ARRT);
 - (13) vascular sonography:
 - (a) registered radiologic technologist – vascular sonography (ARRT);
 - (b) registered vascular specialist (CCI); or
 - (c) registered vascular technologist (ARDMS).

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

20.3.20.302 - 20.3.20.~~399~~ 309 [RESERVED]

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1 20.3.20.310 STATE EXAMINATION

2 A. Administration of state examinations. After the effective date of this part, the department will
3 not offer state examinations for medical imaging and radiation therapy professionals except for limited practice in
4 radiography.

5 B. State examination for limited practice of radiography. An individual seeking a license for the
6 limited practice of radiography shall either qualify based on a review of state licensure under section 320 of this part
7 or by successfully completing a state examination for limited practice of radiography. To apply for the state
8 examination, the individual must:

9 (1) submit a limited practice of radiography exam application with documentation that the
10 individual has:

11 (a) completed school through the twelfth (12th) grade or has passed a high school
12 equivalency examination;

13 (b) successfully completed an approved program in one or more of the body areas
14 of specialization;

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

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

19 B. Failure of state examination for limited practice of radiography.

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

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

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

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

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

29
30 20.3.20.311 - 20.3.20.319 [RESERVED]

31
32 20.3.20.320 LICENSURE BY REVIEW OF CREDENTIALS OR STATE LICENSE

33 A. Licensure based upon review of credentials or state license. An individual seeking a license,
34 other than for limited practice of radiography, through review of credentials or licensure in another state shall submit
35 the required application to the department demonstrating that the applicant:

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

38 (a) currently credentialed in a modality and specialty by a medical imaging or
39 radiation therapy credentialing organization recognized by the department; or

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

43 B. Licensure based upon review of state license: limited practice of radiography.

44 (1) An individual seeking a limited practice of radiography license through review of
45 licensure in another state must demonstrate that the applicant:

46 (a) has completed school through the twelfth (12th) grade or has passed a high
47 school equivalency examination;

48 (b) is currently licensed as a limited practice radiographic technologist or its
49 equivalent in another state, provided the license from that state was issued based on qualifications at least as
50 stringent as the standards established by the Act and this part; and

51 (c) meets all other applicable requirements of the Act and this part.

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

55 B. Limited waiver. The requirement that an applicant for a sonography or MRI license under section
56 20.3.20.321, subsection A, subparagraphs (a) through (g) have a current credential in the modality and subspecialty

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1 may be waived by the department until January 1, 2019. Such limited waiver does not remove the requirement for an
2 individual to obtain a license in these imaging modalities.

3
4 **20.3.20.321 LICENSES**

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

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

9 (1) is twenty-four (24) months;

10 (2) begins on the date the license is granted;

11 (3) ends on the last day of the month;

12 (4) if applicable, the expiration date of any current license or licenses will be changed to
13 match the expiration date of any newly granted license.

14 **C. Request for coordination of license and credential expiration dates.** At the written request of
15 the licensee, the expiration date of their license or licenses may be reduced to match their current credentialing
16 organization's expiration date. Such reduction in term shall not reduce the applicant or licensee's license fee.

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

19 (a) breast sonography [BR];

20 (b) cardiac sonography [CS] ;

21 (c) computed tomography [CT];

22 (d) general sonography [DMS];

23 (e) limited radiography: axial/appendicular skeleton [LXV];

24 (f) limited radiography: extremities [LXE];

25 (g) limited radiography: foot, ankle or lower leg [LXP];

26 (h) limited radiography: viscera of the thorax [LXT];

27 (i) magnetic resonance imaging [MRI];

28 (j) mammography [MAM];

29 (k) musculoskeletal sonography [MSK];

30 (l) nuclear medicine [NMT];

31 (m) phlebology sonography [PBS];

32 (n) radiation therapy [RTT];

33 (o) radiography [RRT];

34 (p) radiologist assistant [RRA]; or

35 (q) vascular sonography [VS].

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

38
39 **20.3.20.322 TEMPORARY LICENSES**

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

42 (1) provides documentation of satisfactory completion of an approved program;

43 (2) submits an application for a certification examination to a credentialing organization
44 recognized by the department or to the department for a state limited practice of radiography examination;

45 (3) submits evidence of having met paragraphs (1) and (2) above, a temporary license
46 application, and applicable fees within one year of the graduation date from an approved program; and

47 (4) meets all other applicable licensure requirements of the Act and this part.

48 **B. Temporary license term.** A temporary license:

49 (1) expires one (1) year from the applicant's approved program completion date unless
50 superseded by grant of a non-temporary license; and

51 (2) may be granted only once and cannot be renewed or extended; however, a duplicate
52 temporary certificate of licensure may be issued by the department for display at another place of employment upon
53 submission of a duplicate certificate of license application and fee.

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

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1 (1) may only provide the authorized medical imaging or radiation therapy modality and
2 subspecialty under the supervision of a licensed practitioner, or a medical imaging or radiation therapy professional
3 licensee in the medical imaging modality and subspecialty identified on the temporary license;

4 (2) must apply to the department for a medical imaging or radiation therapy license at least
5 sixty (60) days before expiration of the temporary license, if they have successfully passed the certification
6 examination that is the basis for the temporary license.

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

9
10 **20.3.20.322 CROSS TRAINING**

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

13 (1) submits an application and fee to the department identifying the modality or subspecialty;

14 (2) adheres to the educational pathways, standards, and guidelines of a national credentialing
15 organization for that modality or subspecialty;

16 (3) performs such studies under direct or indirect supervision of a sonographer licensee in
17 that subspecialty or a physician or licensed health care practitioner who is qualified to interpret and diagnose in the
18 imaging modality and subspecialty; and

19 (4) attains certification for that subspecialty within four (4) years of submission of the
20 application to the department.

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

25 **C. Renewal of authorization.** The authorization to cross train is valid for two years from date
26 granted and is renewable for one additional two-year term. One year must lapse after expiration of the cross training
27 authorization before the department may grant authorization in the same modality and subspecialty to the licensee.

28 **D. Applicability to licensee enrolled in approved program.** This subsection does not apply to a
29 licensee who is currently enrolled in an approved program leading to qualification for another sonography
30 subspecialty.

31
32 **20.3.20.323 - 20.3.20.329 [RESERVED]**

33
34 **20.3.20.330 CONTINUING EDUCATION**

35 **A. Licensed by review of state license or successful completion of state examination.** A licensee,
36 including a limited practice of radiography licensee, who was granted a license in this state by review of state
37 license or by successful completion of a state examination administered by the department, and does not currently
38 hold a credential or certification in the modality and subspecialty, must complete twenty-four (24) credits of
39 Category A continuing education approved by a RCEEM recognized by ARRT. Documentation of completion of the
40 required continuing education must be submitted to the department with each license renewal application.

41 **B. Other licensees.** A medical imaging or radiation therapy licensee, other than a licensee described
42 in paragraph A of this section, must comply with all continuing education, continuing competency, and annual
43 registration requirements of the credentialing organization for which they hold a credential or certification. The
44 department may require a licensee to attest to or show compliance with the credentialing organization's
45 requirements. Failure to meet the credentialing organization's requirements may be grounds for suspension or
46 revocation of a license.

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

51 **D. Temporary licenses.** Continuing education requirements are not required for temporary licenses.

52
53 **20.3.20.331 - 20.3.20.339 [RESERVED]**

54
55 **20.3.20.340 SCOPE OF PRACTICE**

56 **A. General provisions.**

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1 (1) A medical imaging or radiation therapy licensee functions as a delegated agent of a
2 supervising physician;

3 (2) A licensee's scope of practice is determined by the licensee's education and training,
4 nationally recognized clinical practice standards, state and federal law, and facility policy.

5 **B. Limited practice in radiography.** A limited practice in radiography licensee may not:

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

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

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

14 **D. Sonographer.** A sonographer may provide limited preliminary non-diagnostic findings, such as a
15 fetal gender, directly to a patient in accordance with written facility policy.

16 **20.3.20.341 - 20.3.20.349 [RESERVED]**

17 **20.3.20.350 DUTIES OF LICENSEE**

18 **A. Continuing to comply with requirements.** A licensee must:

19 (1) continue to comply with all licensure requirements of the Act and this part throughout the
20 license term;

21 (2) maintain credential or certification in their licensed imaging modality and subspecialty, if
22 applicable, throughout the licensure period or notify the department in writing within thirty (30) days that a
23 credential or certification is no longer being maintained;

24 (2) notify the department in writing within thirty (30) days of any pending or final actions by
25 a credentialing organization, state agency, or federal agency against the licensee; and

26 (3) notify the department in writing within thirty (30) days of lapse, probation, suspension, or
27 revocation of any professional license.

28 **B. Expired, suspended, or revoked license.** An individual whose license has expired, or has been
29 suspended or revoked by the department, shall not perform medical imaging or radiation therapy procedures.

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

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

34 **D. Supervision of students or licensees.**

35 (1) A limited practice of radiography licensee shall only provide supervision of a limited
36 practice of radiography student or licensee.

37 (2) A medical imaging or radiation therapy licensee may provide supervision to a medical
38 imaging or radiation therapy student or licensee in the same modality and specialization as the licensee. A
39 radiographer may provide supervision to a limited practice of radiography student or licensee.

40 **20.3.20.351 CERTIFICATE OF LICENSURE**

41 **A. Display of certificate of licensure.** Original certificates of licensure shall be publicly displayed by
42 the licensee at each place of employment.

43 **B. Photocopying or reproduction prohibited.** Photocopying or other reproduction of a certificate of
44 licensure is prohibited. To obtain a duplicate certificate of licensure, the licensee must submit a duplicate certificate
45 of licensure application and fee to the department.

46 **B. Lost or stolen certificate of licensure.** A licensee must notify the department in writing within
47 thirty (30) days if a certificate of licensure is lost or stolen.

48 **C. Replacement certificate of licensure.** The department may issue a replacement certificate of
49 licensure if a:

50 (1) certificate of licensure is damaged, lost, or stolen; or

51 (2) licensee's legal name has changed.

52 To obtain a replacement certificate of licensure, the licensee must submit documentation of legal name
53 change (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 [DENIAL, REVOCATION OR SUSPENSION OF CERTIFICATE:

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

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

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

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

~~(3) is unfit or incompetent;~~

~~(4) is habitually intemperate or is addicted to the use of habit forming drugs;~~

~~(5) is mentally incompetent;~~

~~(6) has aided and abetted a person who is not certified pursuant to the Act or otherwise authorized by the Act in engaging in the activities of a certified holder;~~

~~(7) has engaged in any practice beyond the scope of authorized activities of a full certificate or certificate of limited x ray machine operation holder pursuant to the Act;~~

~~(8) is guilty of unprofessional conduct or unethical conduct as defined by rules promulgated by the board;~~

~~(9) has interpreted a diagnostic imaging procedure to a patient, the patient's family, or the public;~~

~~(10) has willfully or repeatedly violated any provisions of the Act; or~~

~~(11) is not in compliance with the terms of the New Mexico Parental Responsibility Act [NMSA 1978, 40-5A-1 to 40-5A-13] provided, in taking action under this provision the board shall follow the procedures in 20.1.7 NMAC named "Parental Responsibility Act Compliance".~~

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

~~(1) engaging in the practice of radiologic technology while in an intoxicated condition or under the influence of a narcotic or any drug which impairs consciousness, judgment or behavior;~~

~~(2) unethical conduct while engaged in the practice of radiologic technology or unethical behavior indicating unfitness to practice radiologic technology;~~

~~(3) willful falsification of records, or destruction or theft of property or records relating to the practice of radiologic technology;~~

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

~~(5) unauthorized disclosure of information relating to a patient's records;~~

~~(6) discrimination in the practice of radiologic technology against any person on account of race, religion, creed, color, national origin, age or sex;~~

~~(7) convicted of a felony subsequent to certification;~~

~~(8) impersonation of a current or former radiologic technologist or engaging in the activities of a radiologic technologist under an assumed name;~~

~~(9) applying ionizing radiation to a human being without the specific direction of a duly licensed practitioner as defined herein;~~

~~(10) being found guilty of incompetence or negligence in activities as a radiologic technologist;~~

~~(11) continuing to practice without obtaining a certificate renewal as required by the Act;~~

~~(12) using the prefix "Dr.", unless entitled to do so pursuant to a degree granted, the word "doctor" or any suffix or affix to indicate or imply that the radiologic technologist is a duly licensed practitioner as defined herein when not so licensed;~~

~~(13) providing false, misleading or deceptive information on a certification application, a renewal application or continuing education documents; and~~

~~(14) failing to conform to accepted principles, standards and ethics of the radiologic technology profession and which results in the disregard for the health or safety of the public or patients.]~~

RENEWAL, REINSTATEMENT, AND REAPPLICATION.

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

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

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

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

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

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

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

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

20 B. **Reapplication.** Reapplication is required if a license has been expired for more than one year.
21 [20.3.20.400 NMAC - Rp, 20 NMAC 3.2.IV.400 - IV.402, 8/31/2005]

22
23 **20.3.20.401 - 20.3.20.499 [RESERVED]**

24
25 **20.3.20.500 DEPARTMENT FORMS, CONFIDENTIALITY, AND RELEASE OF PERSONAL**
26 **INFORMATION**

27 A. **Department forms required.**

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

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

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

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

36 (a) all required information;

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

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

39 (d) date and signature of the applicant.

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

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

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

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

45 C. **Release of licensee personal information.** Unless otherwise provided, the department may only
46 release a licensee's name, mailing address, department registration number, manner which license was obtained and
47 verification of license and subspecialty. The department may release information related to an application denial, or
48 license revocation, or suspension. The department may release this information to any credentialing organization, or
49 other regulating or licensing entities, that may require information pertaining to a current or past licensee's NM
50 licensure as part of their own licensure process. In accordance with federal law, the department shall release any
51 required information related to revocation or suspension of a licensee to the national practitioner data bank.

52
53 [20.3.20.500 NMAC - Rp, 20 NMAC 3.2.V.500 - V.502, 8/31/2005]

54
55 **20.3.20.501 [CERTIFICATION RENEWAL:]**

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

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

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

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

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

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

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

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

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

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

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

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

F. **Duplicate certificate of licensure fee.** In addition to any other fees, a duplicate certificate of licensure fee of \$5.00 must be submitted for each additional certificate of licensure.

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

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

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

J. **NSF.** In addition to any other fees, a \$25 NSF fee must be submitted for each occurrence that a payment submitted to the Department results in non-sufficient funds.

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

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

20.3.20.502 -20.3.20.599 [RESERVED]

20.3.20.600 ~~[APPLICATION FEE: The fee for each type of application shall be \$10.00.] DENIAL, REVOCATION, OR SUSPENSION OF LICENSE~~

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

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

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

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

(3) is unfit or incompetent;

(4) is habitually intemperate or is addicted to the use of habit-forming drugs;

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- _____ (5) is mentally incompetent;
- _____ (6) has aided and abetted an individual who is not a licensee in engaging in the activities of a licensee;
- _____ (7) has failed to maintain a credential or certification in the modality and subspecialty for which a license was granted;
- _____ (8) has engaged in any practice beyond the licensee's scope of practice, state or federal law, or facility policy;
- _____ (9) is guilty of unprofessional conduct or unethical conduct as defined in subsection C of this section;
- _____ (10) has interpreted a diagnostic imaging procedure for a patient, a patient's family, or the public;
- _____ (11) has willfully or repeatedly violated any provisions of the Act or this part;
- _____ (12) has failed to notify in writing within thirty (30) days of any final disciplinary action by a licensing board or credentialing organization, including but not limited to sanction, probation, suspension, or revocation; or
- _____ (13) is not in compliance with the terms of the New Mexico parental responsibility act [NMSA 1978, 40-5A-1 to 40-5A-13] provided, in taking action under this provision, the department shall follow the procedures in 20.1.7 NMAC named "Parental Responsibility Act Compliance."

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

- _____ (1) engaged in the practice of medical imaging or radiation therapy while in an intoxicated condition or under the influence of a narcotic or other drug that impairs consciousness, judgment, or behavior;
- _____ (2) unethical conduct while engaged in the practice of medical imaging or radiation therapy;
- _____ (3) willful falsification of records, or destruction or theft of property or records relating to the practice of medical imaging or radiation therapy;
- _____ (4) failure to exercise due regard for the safety of life or health of the patient;
- _____ (5) unauthorized access to or disclosure of information relating to a patient's records;
- _____ (6) discrimination in the practice of medical imaging or radiation therapy against any individual because of race, religion, creed, color, national origin, or sex;
- _____ (7) convicted of a felony subsequent to licensure by the department;
- _____ (8) impersonation of a current or former licensee or engaging in the activities of medical imaging or radiation therapy under an assumed name;
- _____ (9) applying ionizing or non-ionizing radiation to a human being without a specific prescription or direction of a licensed practitioner or other health care practitioner authorized to order a medical imaging or radiation therapy;
- _____ (10) being determined incompetent or negligent in activities related to medical imaging, radiation therapy, or limited practice of radiography;
- _____ (11) continuing to practice without obtaining a license or renewal as required by the Act or this part;
- _____ (12) using the prefix "Dr.," unless entitled to do so pursuant to a degree granted, the word "doctor", or any suffix or affix to indicate or imply that the individual is a licensed practitioner when not so licensed;
- _____ (13) providing false, misleading, or deceptive information on any application or supporting documents submitted to the department;
- _____ (14) failing to conform to nationally recognized practice standards as applicable to each modality or subspecialty.
- _____ (15) failure to disclose in writing to the department any felony conviction or non-compliance with the New Mexico parental responsibility act [NMSA 1978, 40-5A-1 to 40-5A-13] within thirty (30) days of the conviction or judgment; or
- _____ (16) failure to disclose in writing to the department any sanction, probation, suspension, or revocation by a state agency or credentialing organization within thirty (30) days of such occurrence.

D. **Application of uniform licensing act.** The department shall comply with the provisions of the uniform licensing act and any rules or regulations promulgated thereunder.

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

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

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~~1 A. Full certificate. In accordance with ARRT fees for each assigned test window.
2 B. Certificate of limited x ray machine operation. In accordance with ARRT fees for each assigned
3 test window.
4 C. Temporary certificate: \$35.00.
5 [20.3.20.601 NMAC - N, 8/31/2005]~~

~~6
7 **20.3.20.602 BIENNIAL RENEWAL FEE:** Required fees for biennial review.~~

~~8 A. Full certificate: \$100.00.
9 B. Certificate of limited x ray machine operation: \$60.00.
10 [20.3.20.602 NMAC - N, 8/31/2005]~~

~~11
12 **20.3.20.603 MISCELLANEOUS FEES:** Required miscellaneous fees, as applicable.~~

~~13 A. Replacement with new name, upon return of original certificate: \$15.00.
14 B. First duplicate original: \$15.00.
15 C. Additional duplicate originals: \$5.00.
16 D. Completion of submitted verification forms to the department for the purpose of New Mexico
17 certification verification: \$10.00.
18 [20.3.20.603 NMAC - N, 8/31/2005]~~

~~19
20 **20.3.20.604 FEE CONDITIONS:**~~

~~21 A. Notwithstanding the various areas of specialization of examinations applied for, only one
22 application fee will be levied.
23 B. The examination fee described above shall be charged for each assigned test window.
24 C. Notwithstanding the various areas of specialization for which a person has qualified, only one
25 renewal fee shall be applicable to each biennial renewal.
26 D. Failure to pay the renewal fee on or before the certification expiration date will cause the
27 certification to expire. An expired certification may be reinstated upon the submission of evidence demonstrating
28 that all renewal requirements have been met and that the fee for the current biennium and a reinstatement fee of
29 \$25.00 have been paid. Reapplication and recertification pursuant to this part (20.3.20 NMAC) will be required for
30 certificates that have lapsed for more than one year.
31 [20.3.20.604 NMAC - N, 8/31/2005]~~

~~32
33 [20.3.20.605 - 20.3.20.699 [RESERVED]] 20.3.20.601 - 20.3.20.699 [RESERVED]~~

~~34
35 **20.3.20.700 SEVERABILITY:** If any provision or application of this part (20.3.20 NMAC) is held invalid,
36 the remainder, or its application to other situations or persons, shall not be affected.
37 [20.3.20.700 NMAC - Rp, 20 NMAC 3.2.VII.700 - VII.704]~~

~~38
39 **20.3.20.701 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS:** This part (20.3.20
40 NMAC) shall be construed as amending and superseding the Regulations on the Practice of Radiologic Technology,
41 EIB/MRHS 1, filed January 11, 1988, as amended. All references to the regulations on the practice of radiologic
42 technology in any other rule shall be construed as a reference to this part (20.3.20 NMAC).
43 [20.3.20.701 NMAC - N; 8/31/2005]~~

~~44
45 **20.3.20.702 SAVING CLAUSE:** Supersession of the regulations on the practice of radiologic technology
46 shall not affect any administrative or judicial enforcement action pending on the effective date of this part (20.3.20
47 NMAC) nor the validity of any certificate or certificate of limited practice issued pursuant to the regulations on the
48 practice of radiologic technology.
49 [20.3.20.702 NMAC - N; 8/31/2005]~~

~~50
51 **20.3.20.703 CONSTRUCTION:** This part (20.3.20 NMAC) shall be liberally construed to effectuate the
52 purpose of the Act.
53 [20.3.20.703 NMAC - N; 8/31/2005]~~

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55 **20.3.20.704 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this part (20.3.20
56 NMAC) does not relieve a person from the obligation to comply with other applicable state and federal regulations.~~

MIRTAC meeting held on August 16, 2013

Discussion draft version of proposed changes or replacement to 20.3.20 NMAC

1 [20.3.20.704 NMAC - N; 8/31/2005]
2

3 **HISTORY OF 20.3.20 NMAC:**

4 **Pre-NMAC History:** The material in this part was derived from that previously filed with the commission of
5 public records - state records center and archives. EIB/MRHSA 1, Regulations on the Practice of Radiologic
6 Technology, 11/11/1988.
7

8 **History of repealed material:** 20 NMAC 3.2, Radiologic Technology Certification, (filed 12/15/95), repealed
9 08/31/2005.
10

11 **Other History:**

12 EIB/MRHSA 1, Regulations on the Practice of Radiologic Technology (filed 11/11/1988) was renumbered,
13 reformatted and amended as 20 NMAC 3.2, Radiologic Technology Certification, effective 01/14/96.

14 20 NMAC 3.2, Radiologic Technology Certification, (filed 12/15/95) was replaced by 20.3.20, Radiologic
15 Technology Certification, effective 08/31/2005.