

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

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

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**TABLE OF CONTENTS**

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

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

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

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

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

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

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

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

11  
12 **20.3.20.4 DURATION:** Permanent.

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

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

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22 **FOR COMPARISON PURPOSES...**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

70 P. "Chest and thorax" means radiographic examinations of the ribs and lungs, including anteroposterior,  
71 posterior-anterior, lateral, and apical lordotic views, but does not include mammography. **(THERE WAS SOME**  
72 **QUESTION REGARDING THIS "CHEST AND THORAX). This may have been changes to vascular and thorax???**

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

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

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

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

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

85 V. ~~"Diagnostic Medical Sonography"~~, ~~"Diagnostic ultrasound"~~ or ~~"ultrasound examination"~~ or  
86 "sonogram" means the use of ultrasound and sonographic equipment to create medical images for interpretation by a  
87 licensed practitioner or other qualified health care practitioner that provide diagnostic information about a patient's  
88 medical condition and includes obstetrical ultrasound. It does not mean a procedure using ultrasound on a focused  
89 imaging target to assess specific and limited information about a patient's immediate medical condition or to provide  
90 real-time visual guidance for another procedure.

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

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

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

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

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

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

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

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

113 AD. "Interventional" means to diagnose or treat patients using medical imaging devices. Interventional  
114 procedures may include, but are not limited to: radiation therapy, organ biopsy, angiography, angioplasty, and catheter-

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115 delivered stents. Interventional does not mean needle or catheter placement for vascular access or delivery of medicine  
116 or anesthesia, or the use of non-ionizing energy for non-imaging therapeutic or treatment purposes.

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

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

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

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122 ~~AH. "JRCNMT" means the joint review committee on educational program in nuclear medicine  
123 technology.~~

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

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126 ~~AJ. "License term" means a length of licensure as indicated on the certificate of licensure issued by the  
127 department.~~

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128 ~~AK. "Licensee" means an individual who has met and continues to meet all requirements of the Act and  
129 this part.~~

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130 ~~AL. "Licensed practitioner" means an individual licensed to practice medicine, dentistry, podiatry,  
131 chiropractic or osteopathy in this state.~~

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132 ~~AM. "Licensure" means the grant of authority by the department for an individual to perform medical  
133 imaging or radiation therapy procedures.~~

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

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137 ~~AO. "Lower leg" means the knee and ankle and portions of the leg between the knee and ankle.~~

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138 ~~AP. "Magnetic resonance imaging" means an examination using magnetic fields and radio frequency  
139 signals to generate an image.~~

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140 ~~AQ. "Magnetic resonance technologist" means an individual other than a licensed practitioner who  
141 performs magnetic resonance imaging procedures under the supervision of a licensed practitioner.~~

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142 ~~AR. "Medical imaging" means the use of substances or equipment emitting ionizing or non-ionizing  
143 radiation on humans for diagnostic or interventional purposes.~~

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144 ~~AS. "Modality" means the medical imaging procedures or technologies including:~~

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

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

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152 ~~AU. "Musculoskeletal sonography" or "musculoskeletal ultrasound" means an examination using  
153 ultrasound to generate an image of a superficial muscle, tendon, ligament, or joint.~~

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154 ~~AV. "NPDB" means the National practitioner data bank.~~

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155 ~~AW. "NCCA" means National commission for certifying agencies.~~

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156 ~~AX. "NMTCB" means the Nuclear medicine technologist certification board.~~

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

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

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

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

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167 ~~AAC. "Phlebology" means ultrasound examination of superficial veins in the lower extremities for the  
168 identification and treatment of venous disease.~~

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169 ~~AAD. "Place of employment" means each location with its own physical address or separated by building  
170 structure regardless of ownership, company, nonprofit organization, or business name.~~

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171 ~~AAB. "Podiatric" means radiographic examination of the toes, foot, ankle, calcaneus, distal tibia/fibula, but  
172 does not include the knee joint.~~

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~~SECTION 320.324~~

173 ~~BDE.~~ "Programmatic accreditation" means a specialized accreditation process that examines the medical  
174 imaging or radiation therapy program within an educational institution.

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

178 ~~BEF.~~ "Radiation therapy" means the use of high-energy particles or waves to destroy or damage cells.

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

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

183 ~~BHH.~~ "Radiologist assistant" means an individual licensed as a radiographer who holds additional  
184 certification as a registered radiologist assistant by the American registry of radiologic technologists.

185 ~~BJI.~~ "Recognized continuing education evaluation mechanism" (RCEEM) means a recognition  
186 mechanism of the ARRT for evaluating the content, quality, and integrity of a continuing education activity.

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

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

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

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

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

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

200 (1) abdominal sonography,

201 (2) ~~breast sonography,~~

202 (3) cardiac sonography,

203 (4) musculoskeletal sonography

204 (5) obstetric/gynecology sonography,

205 (6) phlebology sonography; and

206 (7) vascular sonography.

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

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

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

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

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

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

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

227 ~~BUF.~~ "Vascular sonography" means an examination using ultrasound to generate an image of the  
228 peripheral or neck blood vessels.

229 ~~BVU.~~ "Viscera of the thorax" means radiographic examination of the lungs and mediastinum.

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~~20.3.20.99~~

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231 **20.3.20.8 ADMINISTRATION AND ENFORCEMENT:** The administration and enforcement of the Act  
232 and this part (20.3.20 NMAC) is vested in the department.

233  
234 **20.3.20.9 - 20.3.20.99** [RESERVED]

236 **20.3.20.100 LICENSE REQUIRED**

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

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

241 (2) use any title, abbreviation, letters, figures, signs, or other devices to indicate the individual  
242 is a medical imaging or radiation therapy professional; or

243 (3) engage in any of the medical imaging or radiation therapy modalities or subspecialties.

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

245 (1) a licensed practitioner;

246 (2) a student under the supervision of a licensed practitioner or under the direct supervision of a  
247 medical imaging or radiation therapy professional licensed in the modality and subspecialty in which the student is  
248 performing the procedure;

249 ~~(3)~~ a registered nurse or certified nurse-midwife performing ultrasound procedures; provided  
250 that:

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

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

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

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

259 (iii) assessment of fetal presentation or heartbeat;

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

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

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

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

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

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

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

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

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

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279 **B. Statutory exceptions.**

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

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

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

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

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

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

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

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

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

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

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

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

320 History: Laws 1983, ch. 317, § 7; 1991, ch. 14, § 2; 1993, ch. 140, § 3; 2009, ch. 106, § 7; 2013, ch. 116,  
321 § 2.

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

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

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

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

- 340 (1) consult health agencies;
- 341 (2) evaluate availability of alternative medical imaging or radiation therapy services and  
342 licensed medical imaging or radiation therapy professionals;
- 343 (3) evaluate documentation from the applicant's employer or prospective employer to  
344 demonstrate that recruitment of qualified individuals, at competitive compensation, has been attempted and was  
345 unsuccessful. Such demonstration may take the form of:

~~20.3.20.101 - 20.3.20.199~~

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- 346 professionals;
- 347 (a) documented advertising in publications pertaining to medical imaging
- 348 (b) registration of the position with the New Mexico department of workforce
- 349 solutions or similar state agency; or
- 350 (c) documentation of current and past contracting with medical imaging or radiation
- 351 therapy job placement companies.

20.3.20.101 - 20.3.20.199 [RESERVED]

20.3.20.200 EDUCATIONAL PROGRAMS

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

- 359 ~~(1) Before enrolling students or offering courses, an educational program for limited practice in~~
- 360 ~~radiography shall submit an application to the department including verification that:~~
- 361 ~~(a) the program provides both didactic and clinical education;~~
- 362 ~~(b) the program's faculty are licensed practitioners or radiographers;~~
- 363 ~~(c) the curriculum covers all core areas of the Limited Scope of Practice in~~
- 364 ~~Radiography Examination published by the ARRT;~~
- 365 ~~(d) the curriculum covers all radiographic procedure modules for which graduates will~~
- 366 ~~seek a limited practice in radiography license;~~
- 367 ~~(e) the program length meets the following minimum number of hours of didactic and~~
- 368 ~~clinical instruction: 52 hours of instruction~~

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

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

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

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

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

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(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.

20.3.20.201 - 20.3.20.219 [RESERVED]

20.3.20.220 RECOGNIZED PROGRAMMATIC ACCREDITATION ORGANIZATIONS

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

- 399 ~~(1) accredited by the National commission for certifying agencies (NCCA);~~
- 400 ~~(12) recognized by the United States department of education (USDE) or the council of higher~~
- 401 ~~education accreditation (CHEA); and~~
- 402 ~~(23) provide programmatic accreditation for the medical imaging or radiation therapy modality~~
- 403 ~~offered by the educational program.~~

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404 B. **Recognized Programmatic Accreditation Organizations.** Medical imaging or radiation therapy  
 405 programmatic accreditation ~~organizations~~ ~~agencies~~ recognized by the board include:  
 406 (1) ~~Commission on accreditation of allied health education programs;~~  
 407 (1) ~~Commission on accreditation of allied health education programs;~~  
 408  
 409 (2) ~~Joint review committee on education of in radiologic technology (JRCERT); and~~  
 410 (2) ~~Joint review committee on educational programs in nuclear medicine technology~~  
 411 ~~(JRCNMT); and;~~  
 412 (3) ~~Joint review committee on education in diagnostic medical sonography (JRCEDMS)~~  
 413 (4) ~~Accrediting bureau of Health Education Schools (ABHES)~~

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20.3.20.221 - 20.3.20.299 [RESERVED]

20.3.20.300 **RECOGNIZED CREDENTIALING ORGANIZATIONS**

417 A. **Certification Institutions.** To be recognized by the board, ~~a~~ certification institution must be  
 418 recognized by: ~~This section needs re-work per preliminary feedback from OFG~~  
 419 (1) ~~the american national standards institutute (ANSI); or~~  
 420 (2) ~~the national commission of certifying agencies (NCCAS)~~  
 421 (3) ~~the american college of radiology (ACR)~~  
 422 (4) ~~the (IAC)~~  
 423 (5) ~~Joint Commission~~  
 424 (6) ~~RadSite??~~

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426 B. **Recognized Certification Organizations.** The board recognizes the following medical imaging and  
 427 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 radiologic technologists (ARRT);
  - (b) american registry of magnetic resonance imaging technologists (ARMRIT).
- (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).~~

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20.3.20.301 **RECOGNIZED CREDENTIALS AND CERTIFICATIONS**

444 A. The board recognizes the following medical imaging and radiation therapy credentials and  
 445 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) 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
- (4) musculoskeletal sonography:
  - (a) registered in musculoskeletal sonography (ARDMS).
- (5) phlebology sonography:
  - (a) registered phlebology sonographer (CCI).

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- 462 (6) vascular sonography:
  - 463 (a) registered radiologic technologist – vascular sonography (ARRT);
  - 464 (b) registered vascular technologist (ARDMS)or
  - 465 (c) registered vascular specialist (CCI).
- 466 (7) magnetic resonance imaging:
  - 467 (a) registered radiologic technologist – magnetic resonance (ARRT); or
  - 468 (b) magnetic resonance imaging technologist (ARRT).
- 469 (8) nuclear medicine:
  - 470 (a) certified nuclear medicine technologist (NMTCB); or
  - 471 (b) registered radiologic technologist – nuclear medicine technology (ARRT).
- 472 (9) radiation therapy:
  - 473 (a) registered radiologic technologist – radiation therapy (ARRT).
- 474 (10) radiography:
  - 475 (a) registered radiologic technologist – radiography (ARRT).
- 476 (11) radiologist assistant:
  - 477 (a) ~~certified radiologic practice assistant (CBRPA); or~~
  - 478 (b) registered radiology assistant (ARRT);
- 479 (12) computed tomography:
  - 480 (a) registered radiologic technologist – computed tomography (ARRT).
- 481 (13) limited radiography:
  - 482 (a) none.

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20.3.20.302 - 20.3.20.309 [RESERVED]

20.3.20.310 STATE EXAMINATION ~~(The department wishes to continue to offer state certification examinations.)~~

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

B. **Previous Licensure Based on State Examination.** Except for a limited practice in radiography licensee, a medical imaging or radiation therapy licensee previously issued a license by the department based on successful completion of a department-administered state examination, but who does not currently hold a credential or certification in the licensed imaging modality and subspecialty, must provide evidence of current credential or certification in the licensed imaging modality or subspecialty before January 1, 2019. ~~Note to Self: act does not provide for fees for full licensure. Limited practice only. Continuing education requirements? Not eligible for cross-training? Will need complex rules to manage a few people unless they comply with national certification deadline.~~

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

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- 503 (1) submit a limited practice of radiography application with documentation that the individual
  - 504 has:
    - 505 (a) completed school through the twelfth (12th) grade or has passed a high school
    - 506 equivalency examination;
    - 507 (b) successfully completed an approved program in one or more of the body areas of
    - 508 specialization;
  - 509 (2) submit the required examination fee to the department;
  - 510 (3) successfully complete a written or computerized examination administered by the
  - 511 department with a minimum score of seventy-five (75) percent on both the core section ~~and~~ in each attempted body
  - 512 area section of the examination.

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

- 514 (1) If an applicant fails to achieve seventy-five (75) percent on either the core section or a body
- 515 area specialization section of the examination, it will be considered an examination failure.
- 516 (2) The applicant must re-apply and pay the examination fee for each examination attempt.
- 517 (3) All sections of the examination taken on the same day are considered one examination
- 518 attempt.
- 519 (4) The applicant must only retake the failed section or sections.

~~20.3.20.311 - 20.3.20.319~~

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

523  
524 **20.3.20.311 - 20.3.20.319 [RESERVED]**

525  
526 **20.3.20.320 LICENSURE BY EXAMINATION OF CREDENTIALS**

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

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

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

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

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

538 (1) An individual seeking a limited practice of radiography license through examination of  
539 credentials must demonstrate that the applicant:

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

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

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

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

549 B. **Limited Waiver.** The requirement that an applicant for a sonography or MRI license under section  
550 20.3.20.321, subsection A, subparagraphs (a) through (g) to have a current credential in the modality and subspecialty  
551 may be waived by the department until January 1, 2019. Such limited waiver does not remove the requirement for an  
552 individual to obtain a license in these imaging modalities.

553  
554 **MIRTAC needs to discuss how individuals currently functioning as ultrasonographers and MR technologists**  
555 **will, or whether they should, continue, to be allowed to function without a national certification in these**  
556 **modalities.**

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558 **20.3.20.321 LICENSES**

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

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

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

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

565 (3) ends on the last day of the month ~~issued;~~

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

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

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

573 ~~(a) breast sonography [BR];~~

574 ~~(b) cardiac sonography [CS];~~

575 ~~(c) general sonography [DMS];~~

576 ~~(d) musculoskeletal sonography [MSK];~~

577 ~~(e) phlebology sonography [PBS];~~



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

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

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

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**20.3.20.322 PROVISIONAL??**

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

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

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

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~~(1) submits an application and fee to the department identifying the subspecialty;~~

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

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

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

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

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

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

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

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

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

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

~~(3) performs such studies under direct or indirect supervision of a~~

~~(a) medical imaging or radiation therapy licensee in that modality and subspecialty;~~

~~(b) a physician or other licensed health care provider who is qualified to interpret and diagnose in the imaging modality and subspecialty; and~~

~~(4) attains certification for that modality and subspecialty within four (4) years of submission of the application to the department.~~

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

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

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

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**20.3.20.325 - 20.3.20.329 [RESERVED]**

**20.3.20.330 CONTINUING EDUCATION**

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~~20.3.20.331 - 20.3.20.339~~

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- 692 A. **Continuing Education.**
- 693 (1) **Limited Practice of Radiography.** During the license term, a limited practice of
- 694 radiography licensee must complete twenty-four (24) hours or credits of Category A or A+ continuing education
- 695 approved by a RCEEM recognized by ARRT. Documentation of completion of the required continuing education must
- 696 be submitted to the department with each license renewal application.
- 697 (2) A medical imaging or radiation therapy licensee, other than a limited practice of
- 698 radiography licensee, must comply with all continuing education, continuing competency, and annual registration
- 699 requirements of the credentialing organization for which they hold a credential or certification. The department may
- 700 require a licensee to attest to meeting the credentialing organization's requirements. Failure to meet the credentialing
- 701 organization's requirements may be grounds for suspension or revocation of a license.
- 702 C. **Audit.** The department may audit a licensee's continuing education and continuing compliance with
- 703 requirements of the Act and this part. A licensee must submit the audit information requested by the department within
- 704 thirty (30) days of receipt of the notification of audit. No application or fees are required when submitting information
- 705 requested by the department for an audit.

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707 **20.3.20.331 - 20.3.20.339 [RESERVED]**

708  
709 **20.3.20.340 SCOPE OF PRACTICE (The Department recommends that the Scope of Practice be**

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- 710 **determined by the National professional organizations for each license type.)**
- 711 A. **General Provisions.**
- 712 (1) A medical imaging and radiation therapy licensee functions as a delegated agent of a
- 713 supervising physician;
- 714 (2) **A licensee's scope of practice is determined based upon the licensee's education and**
- 715 **training, nationally recognized clinical practice standards, state and federal law, and facility policy.**
- 716 B. **Limited Practice in Radiography.** A limited practice in radiography licensee may not:
- 717 (1) perform procedures outside the areas of specialization authorized under the individual's
- 718 license;
- 719 (2) perform procedures outside their scope of practice including, but not limited to: procedures
- 720 involving the use of contrast media, fluoroscopic equipment, mammography, computed tomography, mobile or bedside
- 721 radiography, diagnostic medical sonography, magnetic resonance imaging, nuclear medicine, or radiation therapy.
- 722 C. **Radiologist Assistant.** A radiologist assistant shall perform under the supervision of a radiologist
- 723 and shall not interpret images, render diagnoses, or prescribe medications or therapies.
- 724 D. **Sonographer.** A sonographer may provide limited non-diagnostic preliminary findings, such as a
- 725 fetal gender, directly to a patient in accordance with written facility policy.

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727 **20.3.20.341 - 20.3.20.349 [RESERVED]**

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729 **20.3.20.350 DUTIES OF LICENSEE**

- 730 A. **Continuing to Comply with Requirements.** A licensee must:
- 731 (1) continue to comply with all licensure requirements of the Act and this part throughout the
- 732 license term;
- 733 (2) maintain credential or certification in their licensed imaging modality and subspecialty, if
- 734 applicable, throughout the licensure period or notify the department in writing within thirty (30) days that a credential
- 735 or certification is no longer being maintained;
- 736 (2) notify the department in writing within thirty (30) days of any pending or final actions by a
- 737 credentialing organization, state agency, or federal agency against the licensee; and
- 738 (3) notify the department in writing within thirty (30) days of lapse, probation, suspension, or
- 739 revocation of any professional license.
- 740 B. **Expired, Suspended, or Revoked License.** An individual whose license has expired, or has been
- 741 suspended or revoked by the department, shall not perform medical imaging or radiation therapy procedures.
- 742 C. **Duty to Cooperate with Department.** An applicant or licensee has a duty to cooperate with the
- 743 department during an investigation or inspection authorized under the Act, this part, or other state or federal law.
- 744 D. **Reporting Violations.** A licensee has a duty to report a violation of the Act, this part, or other state
- 745 or federal law to the department or other appropriate agency.
- 746 D. **Supervision of Students or Licensees.**
- 747 (1) A limited practice of radiography licensee shall only provide supervision of a limited
- 748 practice of radiography student or licensee.

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749 (2) A medical imaging or radiation therapy licensee may provide supervision to a medical  
750 imaging or radiation therapy student or licensee in the same modality and specialization as the licensee. A radiographer  
751 may provide supervision to a limited practice of radiography student or licensee.  
752

753 **20.3.20.351 CERTIFICATE OF LICENSURE**

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

756 B. **Photocopying or Reproduction Prohibited.** Photocopying or other reproduction of a certificate of  
757 licensure is prohibited. To obtain a duplicate certificate of licensure, the licensee must submit a duplicate certificate of  
758 licensure application and fee to the department.  
759

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

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

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

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

767 To obtain a replacement certificate of licensure, the licensee must submit documentation of legal name change  
768 (if applicable), a replacement certificate of licensure application, and required fee to the department.  
769

770 **20.3.20.352 - 20.3.20.399 [RESERVED]**  
771

772 **20.3.20.400 RENEWAL, REINSTATEMENT, AND REAPPLICATION.**

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

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

- 779 (2) The department will not process an incomplete renewal application.
- 780 (3) The department will process completed applications in the order received.
- 781 (4) The department shall not renew a license until it is satisfied the license renewal applicant

782 meets all requirements of the Act and this part.  
783 (5) All required items must be received by the department prior to the expiration date on the  
784 licensee's current certificate of licensure or the renewal application shall be considered incomplete. Failure to submit a  
785 complete license renewal application and licensee will be subject to a reinstatement fee. An earlier postmark date shall  
786 not excuse the reinstatement fee.

787 (a) If a reinstatement fee is assessed and all other requirements for renewal are met,  
788 the department will issue an invoice to the licensee that will accompany the renewed certificate of licensure.  
789 (b) If an applicant or licensee fails to pay the reinstatement fee within thirty (30) days  
790 of the invoice date, the department may take action to suspend the license until the department has received the  
791 reinstatement fee.

792 B. **Reapplication.** Reapplication is required if a license has been expired for more than one year.  
793

794 **20.3.20.401 - 20.3.20.499 [RESERVED]**  
795  
796

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

799 **20.3.20.500 DEPARTMENT FORMS, CONFIDENTIALITY, AND RELEASE OF PERSONAL**  
800 **INFORMATION**

801 A. **Department Forms Required.**

- 802 (1) An individual seeking licensure or any other services listed in this part shall submit a  
803 completed application form to the department.
- 804 (2) The department shall create and make available all necessary application forms.

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

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

- 810 (a) all required information;
- 811 (b) copies of all supporting documents specified on the form;
- 812 (c) full payment of required fees by a method specified on the form; and
- 813 (d) date and signature of the applicant.

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

- 816 (1) in the performance of the department's duties under the Act or this part;
- 817 (2) as provided in this part or as required by state or federal law; or
- 818 (3) in response to a valid subpoena or court order.

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

824 **20.3.20.501 FEES**

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

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

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

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

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

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

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

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

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

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

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

849 **20.3.20.502 - 20.3.20.599 [RESERVED]**

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

852 **20.3.20.600 DENIAL, REVOCATION, OR SUSPENSION OF LICENSE**

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

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

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862 (1) is guilty of fraud or deceit in procuring or attempting to procure any type of license or  
863 service from the department;  
864 (2) has been convicted of a felony subsequent to licensure;  
865 (3) is unfit or incompetent;  
866 (4) is **habitually intemperate**, or **New line**  
867 (5) is addicted to the use of habit-forming drugs;  
868 (55) is mentally incompetent;  
869 (76) has aided and abetted an individual who is not a licensee in engaging in the activities of a  
870 licensee;  
871 (87) has failed to maintain a credential or certification in the modality and subspecialty for which  
872 a license was granted;  
873 (98) has engaged in any practice beyond the licensee's scope of practice, state or federal law, or  
874 facility policy;  
875 (109) is guilty of unprofessional conduct or unethical conduct as defined in subsection C of this  
876 section;  
877 (110) has interpreted a diagnostic imaging procedure for a patient, a patient's family, or the  
878 public;  
879 (124) has willfully or repeatedly violated any provisions of the Act or this part;  
880 (132) has failed to notify in writing within thirty (30) days of any final disciplinary action by a  
881 licensing board or credentialing organization, including but not limited to sanction, probation, suspension, or  
882 revocation; or  
883 (142) is not in compliance with the terms of the New Mexico parental responsibility act [NMSA  
884 1978, 40-5A-1 to 40-5A-13] provided, in taking action under this provision, the board shall follow the procedures in  
885 20.1.7 NMAC named "Parental Responsibility Act Compliance."  
886 C. **Unprofessional or unethical conduct.** With respect to the grounds for denial, revocation, or  
887 suspension under NMSA 1978 section 61-14E-11, references to "unprofessional conduct" or "unethical conduct" shall  
888 be deemed to include, but shall not be limited to:  
889 (1) engaged in the practice of medical imaging or radiation therapy while in an intoxicated  
890 condition or under the influence of a narcotic or other drug that impairs consciousness, judgment, or behavior;  
891 (2) unethical conduct while engaged in the practice of medical imaging or radiation therapy;  
892 (3) willful falsification of records, or destruction or theft of property or records relating to the  
893 practice of medical imaging or radiation therapy;  
894 (4) failure to exercise due regard for the safety of life or health of the patient;  
895 (5) unauthorized access to or disclosure of information relating to a patient's records;  
896 (6) discrimination in the practice of medical imaging or radiation therapy against any individual  
897 because of race, religion, creed, color, national origin, or sex;  
898 (7) convicted of a felony subsequent to licensure by the department;  
899 (8) impersonation of a current or former licensee or engaging in the activities of medical  
900 imaging or radiation therapy under an assumed name;  
901 (9) applying ionizing or non-ionizing radiation to a human being without a specific prescription  
902 or direction of a licensed practitioner or other health care practitioner authorized to order a medical imaging or  
903 radiation therapy;  
904 (10) being determined incompetent or negligent in activities related to medical imaging,  
905 radiation therapy, or limited practice of radiography;  
906 (11) continuing to practice without obtaining a license or renewal as required by the Act or this  
907 part;  
908 (12) using the prefix "Dr.," unless entitled to do so pursuant to a degree granted, the word  
909 "doctor", or any suffix or affix to indicate or imply that the individual is a licensed practitioner when not so licensed;  
910 (13) providing false, misleading, or deceptive information on any application or supporting  
911 documents submitted to the department;  
912 (14) failing to conform to nationally recognized practice standards as applicable to each modality  
913 or subspecialty.  
914 (15) failure to disclose in writing to the department any felony conviction or non-compliance  
915 with the New Mexico Parental Responsibility Act [NMSA 1978, 40-5A-1 to 40-5A-13] within thirty (30) days of the  
916 conviction or judgment; or  
917 (16) failure to disclose in writing to the department any sanction, probation, suspension, or  
918 revocation by a state agency or credentialing organization within thirty (30) days of such occurrence.

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~~20.3.20.699~~

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919 D. **Application of Uniform Licensing Act.** The department shall comply with the provisions of the  
920 Uniform Licensing Act and any rules or regulations promulgated thereunder.

921  
922 **20.3.20.601 - 20.3.20.699** [RESERVED]

923  
924 **20.3.20.700 SEVERABILITY:** If any provision or application of this part is held invalid, the remainder, or its  
925 application to other situations or persons, shall not be affected.

926  
927 **20.3.20.701 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS:** This part shall be  
928 construed as amending and superseding the Regulations on the Practice of Radiologic Technology, EIB/MRHSA 1,  
929 filed January 11, 1988, as amended. All references to the regulations on the practice of radiologic technology in any  
930 other rule shall be construed as a reference to this part.

931  
932 **20.3.20.702 SAVING CLAUSE:** Supersession of the regulations on the practice of medical imaging or radiation  
933 therapy shall not affect any administrative or judicial enforcement action pending on the effective date of this part nor  
934 the validity of any license granted or certificate of licensure issued pursuant to the regulations on the practice of  
935 medical imaging or radiation therapy.

936  
937 **20.3.20.703 CONSTRUCTION:** This part shall be liberally construed to effectuate the purpose of the Act.

938  
939 **20.3.20.704 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this part does not relieve an  
940 individual from the obligation to comply with other applicable state and federal regulations.

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941  
942 I WOULD RECOMMEND THAT ALTHOUGH I HAVE SENT THIS DOCUMENT OUT TO EVERYONE OF THE  
943 LISTING THAT ONLY DARLA AND STEPHEN ADD THEIR NOTED CHANGES AND THEN THAT  
944 DOCUMENT BECOMES THE STARTING POINT FOR THE APRIL MEETING.

945  
946  
947  
948 My Comments – (Barbara)

- 949 1. My notes indicate that the section on Provisional License must be created.
- 950 2. Stephan was going to check with general council to determine if ARMTRIT could be
- 951 excluded.
- 952 3. There was a vote to include ARMTRIT; however, because they do not fit into any of the
- 953 existing sections, I wasn't certain where to include them.
- 954 4. Please understand that these were notes taken at the January meeting. This is your
- 955 document make changes, as you believe are appropriate. I am only helping with the
- 956 process.
- 957 5. I have noted in several sections above that there was discussion but I am uncertain what
- 958 the outcome was. I know that someone else will be able to correct the section.

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959 Use of the term "Board" reference other than EIB

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