

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 [20.3.20.1 NMAC - Rp, 20 NMAC 3.2.I.100, 8/31/2005]
7

8 **20.3.20.2 SCOPE:** All individuals engaged in the practice of medical imaging and radiation therapy.
9 [20.3.20.2 NMAC - Rp, 20 NMAC 3.2.I.101, 8/31/2005]
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11 **20.3.20.3 STATUTORY AUTHORITY:** Medical Imaging and Radiation Therapy Health and Safety Act,
12 Sections 61-14E-1 to 61-14E-12 NMSA 1978, Section 74-1-8 NMSA 1978, and the Uniform Licensing Act, NMSA
13 1978, 61-1-1 to 61-1-31.
14 [20.3.20.3 NMAC - Rp, 20 NMAC 3.2.I.102, 8/31/2005]
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16 **20.3.20.4 DURATION:** Permanent.
17 [20.3.20.4 NMAC - Rp, 20 NMAC 3.2.I.103, 8/31/2005]
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19 **20.3.20.5 EFFECTIVE DATE:** _____, unless a later date is cited at the end of a section.
20 [20.3.20.5 NMAC - Rp, 20 NMAC 3.2.I.104, 8/31/2005]
21

22 **20.3.20.6 OBJECTIVE:** To maximize the protection practicable for the citizens of New Mexico from
23 ionizing and non-ionizing radiation in the practice of medical imaging and radiation therapy by establishing
24 requirements for appropriate education and training of individuals operating medical equipment emitting ionizing
25 and non-ionizing radiation, establishing standards of education and training for the individuals who perform medical
26 imaging and radiation therapy procedures, and providing for the appropriate examination and licensure of those
27 individuals.
28 [20.3.20.6 NMAC - Rp, 20 NMAC 3.2.I.105, 8/31/2005]
29

30 **20.3.20.7 DEFINITIONS:** As used in this part (20.3.20 NMAC).

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

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

35 C. "Applying ionizing radiation" means to use ionizing radiation for diagnostic or therapeutic
36 purposes, including tasks having direct impact on the radiation burden of the patient, such as, but not limited to:
37 (1) positioning the patient, image receptor, and beam;
38 (2) selection of exposure factors or treatment parameters;
39 (3) preparation, calibration, and injection of pharmaceuticals and radiopharmaceuticals in
40 accordance with a licensee's scope of practice; and
41 (4) actuating the production of radiation.

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

44 E. "Biennial licensure fee" means the licensure fee for an initial, renewal, and limited radiography
45 license, excluding the temporary license, for a period up to 24 months, and is only applied once per CE biennium
46 period regardless of the number of licenses granted to that registrant. This fee will be assessed each time a registrant
47 submits an application packet to the Department. Upon written request to the Department, the registrant may reduce
48 their NM biennium period to match their national CE biennium period.

49 F. "Board" means the environmental improvement board.

50 G. "Cardiac sonography" or "echocardiography" means an examination using ultrasound to generate
51 an image of the heart or major blood vessels.

52 H. "Category A" means a continuing education activity approved for category A credit by an
53 organization recognized by the ARRT as a RCEEM.

54 I. "Certificate of licensure" means a document issued by the department that lists the type or types of
55 license granted to an individual.

1 J. "Certificate of limited practice" or "limited practice of radiography license" means a limited
2 license granted by the department to an individual other than a licensed practitioner or radiographer who performs
3 restricted diagnostic radiography procedures under the supervision of a licensed practitioner or radiographer on the
4 following designated anatomical sites or limited anatomical areas:

5 (1) viscera of the thorax;

6 (2) extremities;

7 (3) radiation to humans for diagnostic purposes in the practice of dentistry;

8 (4) spineaxial/appendicular skeleton; or

9 (5) foot, ankle, or lower leg.

10 K. "Certified Nurse Practitioner" means a person licensed pursuant to Section 61-3-23.2 NMSA
11 1978;

12 L. "Chest and thorax" or "viscera of the thorax" means radiographic examinations of the ribs and
13 lungs, including anteroposterior, posterior-anterior, lateral, and apical lordotic views, but does not include
14 mammography.

15 M. "Clinical instruction" means hands-on educational experience in a health care setting such as a
16 hospital, clinic, or physician's office, under the supervision requirements consistent with the standards of the
17 program's accrediting agencies.

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

20 O. "Credential" or "certification" means the recognition awarded to an individual who meets the
21 initial and ongoing requirements of a credentialing or certification organization.

22 P. "Credentialing organization" or "certification organization" means an organization accredited by
23 NCCA or ANSI and recognized by the board that issues credentials through testing or evaluation and determines
24 that an individual has met defined standards for training and competence in a medical imaging or radiation therapy
25 modality and subspecialty.

26 Q. "Department" means the New Mexico environment department.

27 R. "Diagnostic Medical Sonographer" means a person, including a vascular technologist or
28 echocardiographer, other than a licensed practitioner, who provides patient care services uses ultrasound;

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

37 T. "Division" means the environmental health bureau of the field operations and infrastructure
38 division of the department;

39 U. "Didactic instruction" means academic instruction.

40 V. "Duplicate certificate of licensure" means an additional original certificate of licensure issued by
41 the department.

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

45 X. "Facility" means a hospital, clinic, medical office, mobile lab, or other location where medical
46 imaging or radiation therapy is provided.

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

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

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

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

4 AC. "License" means a grant of authority issued by the department for an individual to perform
5 medical imaging or radiation therapy procedures.

6 AD. "License term" means a length of licensure as indicated on the certificate of licensure issued by
7 the department.

8 AE. "Licensed practitioner" means an individual licensed to practice medicine, dentistry, podiatry,
9 chiropractic or osteopathy in this state.

10 AF. "Licensee" means an individual who has met and continues to meet all requirements of the Act
11 and this part.

12 AG. "Licensure" means the grant of authority by the department for an individual to perform medical
13 imaging or radiation therapy procedures.

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

17 AI. "Lower leg" means the knee and ankle and portions of the leg between the knee and ankle.

18 AJ. "Magnetic resonance imaging" means an examination using magnetic fields and radio frequency
19 signals to generate an image.

20 AK. "Magnetic resonance technologist" means an individual other than a licensed practitioner who
21 performs magnetic resonance imaging procedures under the supervision of a licensed practitioner using magnetic
22 fields and radio frequency signals.

23 AL. "Medical imaging" means the use of substances or equipment emitting ionizing or non-ionizing
24 radiation on humans for diagnostic or interventional purposes.

25 AM. "Medical imaging professional" means an individual who has been granted a license by the
26 department pursuant to the Act in at least one medical imaging modality.

27 AN. "Modality" means the following the medical imaging procedures or technologies including:

- 28 (1) diagnostic medical sonography and all of its subspecialties;
- 29 (2) magnetic resonance imaging and all of its subspecialties;
- 30 (3) nuclear medicine technology and all of its subspecialties;
- 31 (4) radiation therapy and all of its subspecialties; and
- 32 (5) radiography and all of its subspecialties.

33 AO. "Musculoskeletal sonography" or "musculoskeletal ultrasound" means an examination using
34 ultrasound to generate an image of a superficial muscle, tendon, ligament, or joint.

35 AP. "Non-ionizing radiation" means the static and time-varying electric and magnetic fields and radio
36 frequency, including microwave radiation and ultrasound.

37 AQ. "Nuclear medicine technologist" means an individual, other than a licensed practitioner, who
38 performs nuclear medicine procedures, venipuncture, and compounds, calibrates, dispenses, and administers
39 pharmaceuticals, radiopharmaceuticals, and radionuclides under the supervision of a licensed practitioner.

40 AR. "Personal identification" means an applicant's or licensee's full legal name, permanent and
41 mailing address, social security number, date of birth, home phone number, cellular telephone number, work
42 telephone number, electronic mail address, department registration number, and other related information.

43 AS. "Phlebology" means ultrasound examination of superficial veins in the lower extremities for the
44 identification and treatment of venous disease.

45 AT. "Physician Assistant" means a person licensed pursuant to Section 61-6-7 or 61-10A-4 NMSA
46 1978.

47 AU. "Place of employment" means a location with its own physical address or separated by building
48 structure regardless of ownership, company, nonprofit organization, or business name.

49 AV. "Podiatric" means radiographic examination of the toes, foot, ankle, calcaneus, distal tibia/fibula,
50 but does not include the knee joint.

51 AW. "Programmatic accreditation" means a specialized accreditation process that examines the medical
52 imaging or radiation therapy program within an educational institution.

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

54 AY. "Radiation therapy technologist" or "radiation therapist" means an individual, other than a
55 licensed practitioner, who utilizes ionizing radiation for the planning and delivery of therapeutic procedures to
56 humans under the supervision of a licensed practitioner.

1 AZ. “Radiographer” means an individual, other than a licensed practitioner, who applies radiation to
2 humans for diagnostic purposes under the supervision of a licensed practitioner.

3 BA. “Radiography” means the application of radiation to humans for diagnostic purposes, including
4 adjustment or manipulation of x-ray systems and accessories, including image receptors, positioning of patients,
5 processing of films and any other action that materially affects the radiation dose to patients.

6 BB. “Radiologic technologist” or “radiation therapy technologist” means a medical imaging or
7 radiation therapy professional licensed by the department in one or more of the imaging modalities.

8 BC. “Radiologist” means a licensed practitioner certified by the American board of radiology, the
9 British royal college of radiology, the American osteopathic board of radiology or the American chiropractic board
10 of radiology.

11 BD. “Radiologist assistant” means an individual licensed as a radiographer who holds additional
12 certification as a registered radiologist assistant by the American registry of radiologic technologists and who works
13 under the supervision of a radiologist; provided that a radiologist assistant shall not interpret images, render
14 diagnoses or prescribe medications or therapies.

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

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

19 BG. “Scope of practice” means nationally recognized practice standards as applicable to each medical
20 imaging modality and subspecialty, unless superseded by the Act, this part.

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

24 BI. “Sonographer” or “echocardiographer” or “vascular technologist” means an individual other than
25 a licensed practitioner who applies ultrasound to humans for diagnostic and interventional purposes under the
26 supervision of a licensed practitioner.

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

30 BK. “Sonography subspecialty” means an area of specialization recognized by the board, including:

- 31 (1) abdominal sonography;
- 32 (2) breast sonography;
- 33 (3) cardiac sonography;
- 34 (4) musculoskeletal sonography;
- 35 (5) obstetric/gynecology sonography;
- 36 (6) phlebology sonography; and
- 37 (7) vascular sonography.

38 BL. “Student” means an individual enrolled in and attending a school or college of medicine,
39 osteopathy, chiropractic, podiatry, dentistry, dental hygiene, or an approved program in medical imaging or radiation
40 therapy.

41 BM. “Subspecialty” means an area of specialization approved by the board within a medical imaging or
42 radiation therapy modality.

43 BN. “Supervision” means responsibility for and control of quality, radiation safety, and protection and
44 technical aspects of the application of ionizing and non-ionizing radiation to human beings for diagnostic or
45 therapeutic purposes.

46 (1) “direct supervision” means the medical imaging or radiation therapy procedure is
47 provided under the direction and control of a person authorized to provide supervision and the person’s physical
48 presence must be present in the office suite or building and immediately available to furnish assistance and direction
49 throughout the performance of the procedure. It does not mean that the supervisor must be present in the room when
50 the procedure is performed.

51 (2) “indirect supervision” or “general supervision” means the medical imaging or radiation
52 therapy procedure is provided under the direction and control of a person authorized to provide supervision, but the
53 person’s presence is not required during the performance of the procedure. The training of the non-physician
54 personnel and the maintenance of the necessary equipment and supplies are the continuing responsibility of the
55 person authorized to provide supervision.

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

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

5 BP. "Vascular sonography" means an examination using ultrasound to generate an image of the
6 peripheral or neck blood vessels.

7 BQ. "Viscera of the thorax" means radiographic examination of the lungs and mediastinum.

8
9 **20.3.20.8 ABBREVIATIONS AND ACRONYMS:**

- 10 A. "ANSI" stands for American national standards institute.
11 B. "ARDMS" stands for the American registry for diagnostic medical sonography.
12 C. "ARMRIT" stands for American registry of magnetic resonance imaging technologists.
13 D. "ARRT" stands for the American registry of radiologic technologists.
14 E. "BS" stands for breast sonography.
15 F. "CAAHEP" stands for the commission on accreditation of allied health education programs.
16 G. "CCI" stands for the cardiovascular credentialing international.
17 H. "CHEA" stands for the council of higher education accreditation.
18 I. "CNMT" stands for certified nuclear medicine technologist.
19 J. "CS" stands for cardiac sonography.
20 K. "CT" stands for computed tomography.
21 L. "DMS" stands for diagnostic medical sonography.
22 M. "FUS" stands for fusion imaging.
23 N. "JRCDS" stands for the joint review committee on diagnostic medical sonography.
24 O. "JRCERT" stands for the joint review committee on education in radiologic technology.
25 P. "JRCNMT" stands for the joint review committee on educational program in nuclear medicine
26 technology.
27 Q. "LXE" stands for limited practice radiography to the extremities.
28 R. "LXP" stands for limited practice radiography to the podiatric.
29 S. "LXT" stands for limited practice radiography to the viscera of the thorax.
30 T. "LXV" stands for limited practice radiography to the axial/appendicular skeleton.
31 U. "MR" stands for magnetic resonance.
32 V. "MRT" stands for magnetic resonance technologist.
33 W. "MSK" stands for diagnostic musculoskeletal technologist.
34 X. "NCCA" stands for National commission for certifying agencies.
35 Y. "NMT" stands for nuclear medicine technologist.
36 Z. "NMTCB" stands for the nuclear medicine technologist certification board.
37 AA. "N" stands for nuclear medicine technology.
38 AB. "PBS" stands for phlebology sonography.
39 AC. "PET" stands for positron emission tomography.
40 AD. "PVL" stands for provisional.
41 AE. "RCCS" stands for registered congenital cardiac sonographer.
42 AF. "RCS" stands for registered cardiac sonographer.
43 AG. "RDMS" stands for registered diagnostic cardiac sonographer.
44 AH. "RDMS" stands for registered diagnostic medical sonographer.
45 AI. "RMRIT" stands for magnetic resonance imaging technologist.
46 AJ. "RMSK" stands for registered in musculoskeletal sonography.
47 AK. "RPhS" stands for registered phlebology sonographer.
48 AL. "R" stands for radiography
49 AM. "RRT" stands for radiographic radiologic technologist.
50 AN. "RRA" stands for registered radiology assistant.
51 AO. "R.T." stands for registered technologist.
52 AP. "RTT" stands for radiation therapy technologist.
53 AQ. "RVS" stands for registered vascular specialist.
54 AR. "RVT" stands for registered vascular technologist.
55 AS. "S" stands for sonography.
56 AT. "TMP" stands for temporary.

- 1 AU. "T" stands for radiation therapy.
2 AV. "USDE" stands for United States department of education.
3 AW. "VS" stands for vascular sonography.
4

5 **20.3.20.9 ADMINISTRATION AND ENFORCEMENT:** The administration and enforcement of the Act
6 and this part (20.3.20 NMAC) is vested in the department.
7 [20.3.20.8 NMAC - Rp, 20 NMAC 3.2.I.107, 8/31/2005]
8

9 **20.3.20.10 - 20.3.20.99 [RESERVED]**

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11 **20.3.20.100 LICENSE REQUIRED:**

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

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

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

- 20 (1) a licensed practitioner;
21 (2) a student under the supervision of a licensed practitioner or under the direct supervision
22 of a licensed medical imaging or radiation therapy professional licensed in the modality and subspecialty in which
23 the student is performing the procedure;
24 (3) a health care practitioner licensed or certified by an independent board as defined by the
25 Act that has been approved by the board as provided in subsection C of this section; or
26 (4) a registered nurse or certified nurse-midwife performing ultrasound procedures; provided
27 that the registered nurse or certified nurse-midwife has documented demonstration of competency within the
28 registered nurse's scope of practice in compliance with board of nursing rules or certified nurse-midwife's scope of
29 practice in compliance with department of health rules. A registered nurse or certified nurse-midwife shall not
30 perform diagnostic ultrasound examinations or ionizing procedures, including radiography, radiation therapy,
31 nuclear medicine or a non-ionizing magnetic resonance procedure, unless licensed by the department as medical
32 imaging professional or radiation therapist professional. A registered nurse or a certified nurse-midwife may
33 perform ultrasound procedures limited to a focused imaging target. A focused imaging target includes, but is not
34 limited to:
35 (a) identification of an anatomical landmark or blood vessel;
36 (b) assessment of presence or absence of fluid in a body cavity;
37 (c) assessment of fetal presentation or heartbeat; or
38 (d) assessment of foreign body position or location.

39 **C.** An independent board or state regulatory body shall submit an application for approval of their
40 medical imaging certification and examination program to the advisory council for review.

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

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

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

49 **D. Temporary exemption.** The department may temporarily exempt applicants from licensure
50 requirements upon determining that:

- 51 (1) the experience or training of the applicant is such that no apparent danger to the public
52 exists;
53 (2) the people in the area of the state to be served by the applicant would otherwise be denied
54 adequate medical care because of the unavailability of a medical imaging or radiation therapy professional; and
55 (3) each application for temporary exemption shall be supported by:
56 (i) an application for temporary exemption;

- (ii) an application fee; and
- (iii) written evidence to support the applicant's compliance with paragraph (1) and (2) of this subsection.

~~**E. Emergency provision:** A person having a valid certificate of limited practice may perform diagnostic radiography procedures outside the normal scope of a limited radiographic practitioner if the person issued the certificate of limited practice is employed in an area having a federal designation as a medically underserved area and the person issued the certificate of limited practice is confronted with an emergency situation, where, by order of a licensed practitioner, a certified nurse practitioner or a registered physician assistant, the additional diagnostic radiography procedure is medically necessary for the immediate safety or health of the patient.~~

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

FG. Temporary exemption application denial. The board, with the advice of the advisory council, shall resolve appeals of a denial of an application for temporary exemption pursuant to 20.3.20.600 NMAC. When making a determination of existence of community hardship, the board will:

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

20.3.20.101 - 20.3.20.199 [RESERVED]

20.3.20.200 APPROVED EDUCATIONAL PROGRAMS:

A. A limited radiography program shall be reviewed and approved by the MIRTAC before enrolling students into the educational program. Prior to approval of the educational program, the MIRTAC will consider if it includes the necessary didactic and clinical education to prepare students for the NM state limited radiography examination. Before enrolling students or offering courses, including clinical instruction, a limited radiography 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.

B. An approved program for medical imaging or radiation therapy includes:

- (1) an educational program in a medical imaging or radiation therapy modality that is programmatically accredited by an accreditation agency recognized by the United States department of education (USDE) or the council of higher education accreditation (CHEA) and that is recognized by the board; and
- (2) an educational program in a medical imaging or radiation therapy modality that is in the process of preparing for programmatic accreditation by an accreditation agency recognized by the United States department of education (USDE) or the council of higher education accreditation (CHEA). This programmatic accreditation by an accreditation agency recognized by the board must be attained within five years of the effective date of this section or within five years of the establishment of a new educational program.

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 agency must:

- (1) be recognized by the USDE or CHEA; and
- (2) provide programmatic accreditation for the medical imaging or radiation therapy modality offered by the educational program.

1 **B. Recognized programmatic accreditation organizations.** Medical imaging or radiation therapy
2 programmatic accreditation agencies recognized by the board include:

- 3 (1) CAAHEP;
- 4 (2) JRCERT; and
- 5 (3) JRCNMT.

6
7 **20.3.20.221 - 20.3.20.299** [RESERVED]

8
9 **20.3.20.300 RECOGNIZED CREDENTIALING ORGANIZATIONS:** The board recognizes the following
10 medical imaging and radiation therapy credentialing organizations in each modality defined by the Act including:

- 11 A. diagnostic medical sonography:
 - 12 (1) ARDMS;
 - 13 (2) ARRT; or
 - 14 (3) CCI.
- 15 B. magnetic resonance imaging:
 - 16 (1) ARMRIT; or
 - 17 (2) ARRT.
- 18 C. nuclear medicine:
 - 19 (1) ARRT; or
 - 20 (2) NMTCB.
- 21 D. radiation therapy: ARRT.
- 22 E. radiography: ARRT.

23
24 **20.3.20.301 RECOGNIZED CREDENTIALS AND CERTIFICATIONS:** The board recognizes the
25 following medical imaging and radiation therapy credentials and certifications for each type of license issued by the
26 department:

- 27 A. fusion imaging- restricted to PET/CT medical imaging procedures only:
 - 28 (1) (CNMT)(NMTCB) and (CT)(NMTCB); or
 - 29 (2) R.T. (ARRT)(N) and (ARRT)(CT); or
 - 30 (3) R.T. (ARRT)(N) and (NMTCB)(CT).
- 31 B. cardiac sonography:
 - 32 (1) (CCI)(RCS);
 - 33 (2) (CCI)(RCCS); or
 - 34 (3) (ARDMS)(RDMS).
- 35 C. general sonography:
 - 36 (1) RDMS (ARDMS)(AB);
 - 37 (2) RDMS (ARDMS)(BR);
 - 38 (3) RDMS (ARDMS)(OB);
 - 39 (4) R.T. (ARRT)(S); or
 - 40 (5) R.T. (ARRT)(BS).
- 41 D. limited radiography: none.
- 42 E. magnetic resonance imaging:
 - 43 (1) (ARMRIT)(RMRT); or
 - 44 (2) R.T. (ARRT)(MR).
- 45 F. musculoskeletal sonography: (ARDMS)(RMSK).
- 46 G. nuclear medicine:
 - 47 (a) certified nuclear medicine technologist (NMTCB); or
 - 48 (b) nuclear medicine technology R.T. (ARRT)(N).
- 49 H. phlebology sonography: RPhS (CCI).
- 50 I. radiation therapy: R.T. (ARRT)(T).
- 51 J. radiography: R.T. (ARRT)(R).
- 52 K. radiology assistant: (ARRT)(RRA).
- 53 L. vascular sonography:
 - 54 (1) R.T. (ARRT)(VS);
 - 55 (2) RVS (CCI); or
 - 56 (3) RVT(ARDMS).

1
2 **20.3.20.302 - 20.3.20.309** [RESERVED]
3

4 **20.3.20.310 STATE EXAMINATION:**

5 **A. Administration of state examinations.** After the effective date of this part, the department will
6 only rely on the methods identified in section 20.3.20.320 NMAC to determine eligibility for licensure. The
7 department will not offer state examinations for medical imaging and radiation therapy professionals except for a
8 limited practice of radiography licensee pursuant to Subsection B of this section. The department may administer
9 and grade the limited practice of radiography examinations, though at its option, the department may contract for
10 such preparation, administration, and grading services.

11 **B. State examination for limited practice of radiography.** An individual seeking a license for the
12 limited practice of radiography must pass a state examination for limited practice of radiography. To apply for the
13 state examination, the individual must:

14 (1) submit an examination application with supporting documentation to the department that
15 the individual has:

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

18 (b) successfully completed an approved limited radiography program in one or more
19 of the body areas of specialization.

20 (2) submit the required examination fee to the department; and

21 (3) successfully complete a written or computerized examination administered by the
22 department with a minimum score of seventy-five (75) percent on both the core section and in each attempted body
23 area section of the examination. At its option, the department may contract for such preparation, administration, and
24 grading services for the limited practice of radiography examinations.

25 **C. Failure of state examination for limited practice of radiography:**

26 (1) If an applicant fails to achieve seventy-five (75) percent on either the core section or a
27 body area specialization section of the examination, it will be considered an examination failure and the applicant
28 must retake the failed section or sections.

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

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

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

33 ~~(45) An individual who attempts and fails the state-administered examination three times will~~
34 ~~be required to demonstrate to the department the successful completion of remedial education or training following~~
35 ~~the third attempt that is consistent with the ARRT standards before being eligible to retake the failed section or~~
36 ~~sections again.examination again.~~

37
38 **20.3.20.311 - 20.3.20.319** [RESERVED]
39

40 **20.3.20.320 LICENSURE BY EXAMINATION OF CREDENTIALS:**

41 **A. Licensure based upon examination of credentials.** An individual seeking a license through
42 examination of credentials, ~~other than through the examination for limited practice of radiography,~~ will submit the
43 required application to the department and shall be currently certified and registered by a medical imaging or
44 radiation therapy credentialing organization recognized by the board.

45 **B. Limited waiver.** An applicant for a sonography or MRI license pursuant to 20.3.20.321.E(1) and
46 (8) NMAC may waive the requirement outlined in Subsection A of this section to be currently certified and
47 registered by a medical imaging or radiation therapy credentialing organization recognized by the board for up to
48 four years from the effective date of this part, by requesting a limited waiver from the department. Such limited
49 waiver does not remove the requirement for an individual to obtain a license from the department for the types of
50 licenses outlined in 20.3.20.321 NMAC

51
52 **20.3.20.321 LICENSES:**

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

1 **B. Term for licenses issued prior to the 15th of the month.** The license term for ~~all types of~~
2 ~~licenses~~ all licenses issued prior to the 15th of the month, except a temporary license, will:

- 3 (1) be for twenty-four (24) months;
- 4 (2) begin on the date the license is issued; and
- 5 (3) end on the last day of the month the license was issued.

6 **C. Term for licenses issued after the 15th of the month.** The license term for all licenses issued
7 after the 15th of the month, except a temporary license, will:

- 8 (1) be for twenty-four (24) months;
- 9 (2) begin on the date the license is issued: and
- 10 (3) end on the last day of the month following the month the license was issued. —

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

14 **ED. Types of license.** Upon demonstration of compliance with all applicable requirements of the Act
15 and this part, the department may grant one or more of the following types of licenses to be recognized by the
16 department:

17 (1) (DMS) which includes sonography subspecialties of RDMS (ARDMS)(AB)(BR)(OB)
18 and R.T. (ARRT)(S)(BS);

19 (2) (MSK);

20 (3) (FUS);

21 (4) (LXV);

22 (5) (LXE);

23 (6) (LXP);

24 (7) (LXT);

25 (8) (MRT);

26 (9) (NMT);

27 (10) (PBS);

28 (11) (PVL);

29 (12) (RTT);

30 (13) (RRT);

31 (14) (RRA);

32 (15) (TMP);

33 (16) (VS), which includes sonography subspecialties of (ARDMS)(RVT) and R.T. ARRT
34 (VS); and

35 (17) (CS) which includes RDMS (ARDMS), RCS (CCI), and RCCS (CCI).

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

38 **G. Restrictions.** A licensee with a limited practice of radiography license may only perform
39 restricted diagnostic radiography under direct supervision of a licensed practitioner limited to the following specific
40 procedures:

41 (1) the viscera of the thorax;

42 (2) extremities;

43 (3) radiation to humans for diagnostic purposes in the practice of dentistry;

44 (4) axial/appendicular skeleton; or

45 (5) the foot, ankle, or lower leg.

46 **H. Emergency provision:** A person having a valid limited practice of radiography license may
47 perform diagnostic radiography procedures outside the normal scope of a limited practice of radiography license if
48 the person is employed in an area having a federal designation as a medically underserved area and the person with
49 the limited practice of radiography license is confronted with an emergency situation, where, by order of a licensed
50 practitioner, a certified nurse practitioner or a registered physician assistant, the additional diagnostic radiography
51 procedure is deemed medically necessary for the immediate safety or health of the patient.

53 20.3.20.322 TEMPORARY LICENSES:

54 **A. Temporary license.** The purpose of a temporary license is to allow an individual who has
55 completed an approved program pursuant to 20.3.20.200 NMAC to practice medical imaging or radiation therapy
56 prior to sitting for their national examination with one of the medical imaging and radiation therapy credentialing

1 organizations outlined in 20.3.20.300 NMAC. The department may grant a temporary license to practice medical
2 imaging or radiation therapy to an individual who:

3 (1) provides documentation to the department that the individual has completed an approved
4 program pursuant to 20.3.20.200 NMAC;

5 (2) submits an application for a temporary license to the department within one year of the
6 individual's program completion date from an approved program;

7 (3) submits the applicable fees for a temporary license pursuant to 20.3.20.501.G NMAC -to
8 the department within one year of the program completion date from an approved program; and

9 ~~(3) successfully completes an examination required by the board; and~~

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

11 **B. Examination and notice.**

12 ~~(1) The department will recognize the credentialing organization's determination of what is~~
13 ~~considered a pass or fail for an individual's examination score.~~

14 (2) The individual shall notify the department of the date the individual plans to take the
15 examination at least thirty (30) days prior to the examination date.

16 ~~(3) If the credentialing organization determines that an individual has failed their~~
17 ~~examination, the individual's active temporary license issued by the department will expire ~~by the department.~~ The~~
18 ~~individual will be required to notify the department of a failed examination within thirty (30) days of receiving their~~
19 ~~examination results.~~

20 ~~(4) If a temporary license and fails the examination, the individual's active will be revoked.~~
21 ~~The individual will be required to notify their employer of the new expiration date for their NM temporary license~~
22 ~~since the individual will no longer be able to perform their primary job function of medical imaging.~~

23 **C. Temporary license term.** A temporary license:

24 (1) expires on the last day of the twelfth month from the date of issuance or upon the
25 applicant's failure to pass the examination as outlined in subsection ~~A and~~ B of this section; and

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

29 ~~**D. Restrictions.** A licensee with a temporary license:~~

30 ~~(1) may submit an application to the department for a medical imaging or radiation therapy~~
31 ~~license within thirty (30) days after the expiration date of the licensee's temporary license; and~~

32 ~~(2) may only provide the authorized medical imaging or radiation therapy modality and~~
33 ~~subspecialty in the medical imaging modality and subspecialty identified on the temporary license~~

34
35 **20.3.20.323 PROVISIONAL LICENSES: CROSS TRAINING:**

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

38 (1) is currently licensed by the department;

39 (2) submits an application to the department; and

40 (3) follows training pathways established by one of the following recognized national
41 certification organizations:

42 (a) ARRT;

43 (b) ARDMS;

44 (c) ARMRT;

45 (d) CCI; or

46 (e) NMTCB.

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

48 (1) expires two years from the date of issuance; and

49 (2) may be renewed one time.

50 **C. Applicability to licensee enrolled in an approved program.** This section does not apply to a
51 licensee who is currently enrolled in an approved program leading to qualification for another modality and
52 subspecialty license.

53
54 **20.3.20.324 - 20.3.20.329** [RESERVED]

55
56 **20.3.20.330 CONTINUING EDUCATION:**

1 **A. Continuing education.**

2 (1) During the license term, a limited practice of radiography licensee must complete twenty-
3 four (24) hours or credits of category A or A+ continuing education approved by a RCEEM recognized by the
4 ARRT. Documentation of completion of the required continuing education must be submitted to the department
5 with each renewal application.

6 (2) During the license term, a medical imaging, a radiation therapy, or a radiologist assistant
7 licensee, other than a limited practice of radiography licensee, must comply with all continuing education,
8 continuing competency, and registration requirements of the credentialing organization for which they hold a
9 credential or certification. The department may require a licensee to certify to meeting the credentialing
10 organization's requirements. Failure to meet the credentialing organization's requirements may be grounds for
11 suspension or revocation of a license. This does not apply to individuals with an active temporary license that has
12 been issued by the department.

13 (3) The department may require a licensee to submit documentation from the credentialing
14 organization if online verification is not available at the time the licensee's renewal request is being reviewed.

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

19
20 **20.3.20.331 - 20.3.20.339** [RESERVED]

21
22 **20.3.20.340 SCOPE OF PRACTICE:**

23 **A. General provisions.**

24 (1) A licensee's scope of practice is determined based upon the licensee's education,
25 certification, and state and federal law.

26 (2) The following are the different scopes of practice and practice standards for a licensee
27 that will be recognized by the department:

28 (a) Radiography - the current version of the American society of radiologic
29 technologists radiography practice standards;

30 (b) Radiation therapy - the current version of the American society of radiologic
31 technologists radiation therapy practice standards;

32 (c) Nuclear medicine technology - the current version of the American society of
33 radiologic technologists nuclear medicine practice standards or society of nuclear medicine and molecular imaging
34 scope of practice for nuclear medicine technologist;

35 (d) Magnetic resonance technology - the current version of the American society of
36 radiologic technologists magnetic resonance practice standards;

37 (e) Radiologist assistant - the current version of the American society of radiologic
38 technologists radiologist assistant practice standards;

39 (f) Sonography - the current version of the American society of radiologic
40 technologists sonography practice standards or the society of diagnostic medical sonography scope of practice and
41 clinical standards for the diagnostic medical sonographer; or

42 (g) Certificate of limited practice - the current version of the American society of
43 radiologic technologists limited x-ray machine operator practice standards.

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

45 (1) perform procedures outside the areas of specialization authorized by or under the
46 individual's license; or

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

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

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

55
56

1 **20.3.20.341 - 20.3.20.349** [RESERVED]

2
3 **20.3.20.350 DUTIES OF LICENSEE:**

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

- 5 (1) continue to comply with all licensure requirements of the Act and this part throughout the
6 license term;
- 7 (2) maintain credential or certification and registration in their licensed imaging modality
8 and subspecialty, if applicable, throughout the licensure period or notify the department in writing within thirty days
9 that a credential or certification is no longer being maintained;
- 10 (3) notify the department in writing within thirty days of any pending or final actions by a
11 credentialing organization, state agency, or federal agency against the licensee; and
- 12 (4) notify the department in writing within thirty days of lapse, probation, suspension, or
13 revocation of any professional license.

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

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

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

20 **E. Supervision of students or licensees.**

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

23 (2) A medical imaging or radiation therapy licensee may provide supervision to a medical
24 imaging or radiation therapy student or licensee in the same modality and specialization as the licensee. A
25 radiographer may provide supervision to a limited practice of radiography student or licensee.
26

27 **20.3.20.351 CERTIFICATE OF LICENSURE:**

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

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

33 **C. Lost or stolen certificate of licensure.** A licensee must notify the department in writing within
34 thirty days if a certificate of licensure is lost or stolen.

35 **D. Replacement certificate of licensure.** To obtain a replacement certificate of licensure, the
36 licensee must submit documentation of legal name change (if applicable), a replacement certificate of licensure
37 application, and required fee to the department. The department may issue a replacement certificate of licensure if
38 a:

- 39 (1) certificate of licensure is damaged, lost, or stolen; or
40 (2) licensee's legal name has changed.
41

42 **20.3.20.352 - 20.3.20.399** [RESERVED]

43
44 **20.3.20.400 RENEWAL, REINSTATEMENT, AND REAPPLICATION:**

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

48 (1) At least thirty days before the expiration date listed on the licensee's current certificate of
49 licensure, a licensee must submit the ~~license renewal~~ biennial licensure -fee and completed renewal application,
50 including any requested supporting documents to the department.

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

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

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

55 (5) All required items must be received by the department prior to the expiration date on the
56 licensee's current certificate of licensure or else the renewal application shall be considered incomplete. The

1 licensee's failure to submit a complete license renewal application will result in a reinstatement fee. An earlier
2 postmark date shall not excuse the reinstatement fee.

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

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

8 **B. Reapplication.** Reapplication is required if a license has been expired for more than one year.
9

10 **20.3.20.401 - 20.3.20.499** [RESERVED]

11
12 **20.3.20.500 DEPARTMENT FORMS, CONFIDENTIALITY, AND RELEASE OF PERSONAL**
13 **IDENTIFICATION:**

14 **A. Department forms required.**

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

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

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

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

23 (a) all required personal identification;

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

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

26 (d) date and signature of the applicant.

27 **B. Confidentiality of personal identification.** Personal identification collected by the department
28 shall not be disclosed except:

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

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

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

32 **C. Release of licensee personal identification.** Unless otherwise provided, the department may only
33 release a licensee's name, mailing address, department registration number, and verification of license and
34 subspecialty. The department may release information related to an application denial or license revocation or
35 suspension to a credentialing organization. In accordance with federal law, the department shall release any
36 required information related to revocation or suspension of a licensee to the National practitioner data bank.
37

38 **20.3.20.501 FEES:**

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

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

43 **C. Examination fee.** An examination fee of \$150.00 must be submitted with each examination
44 application as required in 20.3.20.310 NMAC.

45 **D. Biennial licensure fee.** A biennial fee of \$100.00 may be submitted to the Department prior to
46 the expiration date of the individual's current license issued by the Department. The Department will renew an
47 individual's license upon submittal of the fee and the license will be valid for 24 months after the expiration date of
48 their current license issued by the Department.

49 **E. License reinstatement fee.** In addition to any other required fees, a license reinstatement fee of
50 \$25 must be submitted with a license reinstatement application or if a licensee fails to submit a complete renewal
51 application before the expiration of a license.

52 **F. Duplicate certificate of licensure or replacement of certificate of licensure fee.** A fee of \$5.00
53 will be required for each duplicate certificate of licensure requested in the ~~same~~-duplicate or replacement of
54 certificate of licensure application and a fee of \$5.00 for each additional duplicate certificate of license ordered from
55 all other application forms that provide the option to request additional original duplicate certificates of licensure.

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

28 **D. Opportunity for licensee or applicant to have a hearing.** Any licensee or applicant whose
29 license or license application is denied, revoked, or suspended under this part shall be afforded notice and an
30 opportunity to be heard pursuant to the procedures established in the Uniform Licensing Act, NMSA 1978, §§ 61-1-
31 1 to -31, the Medical Imaging and Radiation Therapy Health and Safety Act, NMSA 1978, § 61-14E-11, and the
32 Adjudatory Procedures for the Environmental Improvement Board in 20.1.2 NMAC.

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

35
36 **20.3.20.601 - 20.3.20.699** [RESERVED]
37

38 **20.3.20.700 SEVERABILITY:** If any provision or application of this part is held invalid, the remainder, or
39 its application to other situations or persons, shall not be affected.
40

41 **20.3.20.701 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS:** This part shall be
42 construed as amending and superseding the regulations on the practice of medical imaging or radiation therapy,
43 EIB/MRHS 1, filed January 11, 1988, as amended. All references to the regulations on the practice of medical
44 imaging or radiation therapy in any other rule shall be construed as a reference to this part.
45

46 **20.3.20.702 SAVING CLAUSE:** Supersession of the regulations on the practice of medical imaging or
47 radiation therapy shall not affect any administrative or judicial enforcement action pending on the effective date of
48 this part nor the validity of any license granted or certificate of licensure issued pursuant to the regulations on the
49 practice of medical imaging or radiation therapy.
50

51 **20.3.20.703 CONSTRUCTION:** This part shall be liberally construed to effectuate the purpose of the Act.
52

53 **20.3.20.704 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this part does not relieve
54 an individual from the obligation to comply with other applicable state and federal regulations.