

FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009

HB 498/a

March 10, 2009

Madam President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred
HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE HEALTH AND GOVERNMENT AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 498

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 2, line 3, strike "the healing arts" and insert in lieu thereof "medical imaging".

2. On page 2, line 9, strike "certification" and insert in lieu thereof "licensure".

3. On page 2, line 21, after "the", insert "medical imaging and".

4. On page 2, lines 21 and 22, strike "technical advisory" and insert in lieu thereof "therapy".

5. On page 3, between lines 13 and 14, insert the following new subsections:

"E. "credential" or "certification" means the recognition awarded to an individual who meets the requirements of a credentialing or certification organization;

F. "credentialing organization" or "certification organization" means a nationally recognized organization recognized by the board that issues credentials or certification through testing or evaluations that determine whether an individual meets defined standards for training and competence in a medical imaging modality;"

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6. Reletter the succeeding subsections accordingly.

7. On page 3, between lines 15 and 16, insert the following new subsection:

"H. "diagnostic medical sonographer" means a person, including a vascular technologist or echocardiographer, other than a licensed practitioner, who provides patient care services using ultrasound;".

8. Reletter the succeeding subsections accordingly.

9. On page 3, line 22, after "as", insert "sound waves,".

10. On page 3, between lines 23 and 24, insert the following new subsection:

"K. "license" means a document issued by the department pursuant to the Medical Imaging and Radiation Therapy Health and Safety Act to an individual who has met the requirements of licensure;".

11. Reletter the succeeding subsections accordingly.

12. On page 4, between lines 1 and 2, insert the following new subsection:

"M. "licensure" means a grant of authority through a license or limited license to perform specific medical imaging and radiation therapy services pursuant to the Medical Imaging and Radiation Therapy Health and Safety Act;".

13. Reletter the succeeding subsections accordingly.

14. On page 4, between lines 8 and 9, insert the following new subsection:

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"P. "medical imaging modality" means:

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

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

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

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

(5) radiography and all of its subspecialties;"

15. Reletter the succeeding subsections accordingly.

16. On page 4, line 9, strike "technologist" and insert in lieu thereof "professional".

17. On page 4, line 11, after "or", insert "diagnostic".

18. On page 4, line 12, strike "certified" and insert in lieu thereof "licensed".

19. On page 4, lines 14 through 19, strike the subsection in its entirety.

20. Reletter the succeeding subsections accordingly.

21. On page 5, between lines 4 and 5, insert the following new subsection:

"T. "physician assistant" means a person licensed pursuant to Section 61-6-7 or 61-10A-4 NMSA 1978;"

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22. Reletter the succeeding subsections accordingly.

23. On page 5, between lines 12 and 13, insert the following new subsection:

"X. "radiography" means the application of radiation to humans for diagnostic purposes, including adjustment or manipulation of x-ray systems and accessories, including image receptors, positioning of patients, processing of films and any other action that materially affects the radiation dose to patients;".

24. Reletter the succeeding subsections accordingly.

25. On page 5, between lines 23 and 24, insert the following new subsection:

"Z. "radiologist assistant" means an individual licensed as a radiographer as defined in the Medical Imaging and Radiation Therapy Health and Safety Act who holds additional certification as a registered radiologist assistant by the American registry of radiologic technologists and who works under the supervision of a radiologist; provided that a radiologist assistant shall not interpret images, render diagnoses or prescribe medications or therapies."".

26. On page 5, lines 24 and 25, and on page 6, line 1, strike the subsection in its entirety.

27. On page 6, line 9, strike "certification" and insert in lieu thereof "licensure".

28. On page 6, line 11, after "practice", insert "as verified by credentialing organizations for medical imaging and radiation therapy".

29. On page 6, line 13, strike "certificate" and insert in lieu thereof "licensure".

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30. On page 6, line 16, strike "regarding" and insert in lieu thereof "as verified by credentialing organizations for".

31. On page 6, line 23, strike "certification" and insert in lieu thereof "licensure".

32. On page 6, line 25, after "technology,", insert "diagnostic", and after "sonography", insert "and radiology".

33. On page 7, line 1, strike "certificates of limited practice" and insert in lieu thereof "licensure standards for restricted diagnostic radiography".

34. On page 7, lines 2 through 6, strike Subsection B in its entirety and insert in lieu thereof the following new subsection:

"B. refer to national educational accreditation standards for educational programs and, pursuant to those standards, establish criteria for education programs of magnetic resonance, radiography, radiation therapy technology, nuclear medicine technology and diagnostic medical sonography;"

35. On page 7, line 19, strike "CERTIFICATION" and insert in lieu thereof "LICENSURE".

36. On page 7, line 20, strike "certified" and insert in lieu thereof "licensed".

37. On page 7, line 21, strike "technologist" and insert in lieu thereof "professional".

38. On page 8, line 4, strike "certified" and insert in lieu thereof "licensed" and strike "technologist" and insert in lieu thereof "professional".

39. On page 8, line 7, strike "specialties" and insert in lieu thereof "medical imaging modalities".

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40. On page 8, line 11, strike "certificate" and insert in lieu thereof "medical imaging license".

41. On page 8, line 14, remove the brackets and line-through and after "auxiliaries" insert "or health practitioners".

42. On page 8, line 17, strike "certificate" and insert in lieu thereof "medical imaging license".

43. On page 8, line 23, strike "certified" and insert in lieu thereof "licensed" and strike "technologist" and insert in lieu thereof "professional".

44. On page 9, line 2, strike "certificate" and insert in lieu thereof "license".

45. On page 9, line 6, strike "technologist" and insert in lieu thereof "professional" and strike "certified" and insert in lieu thereof "licensed".

46. On page 9, line 7, strike "certification" and insert in lieu thereof "licensure".

47. On page 9, lines 8 through 12, strike Subsection D in its entirety and insert in lieu thereof the following new subsections:

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

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

48. On page 9, line 15, strike "CERTIFICATION" and insert in lieu thereof "LICENSURE".

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49. On page 10, line 14, strike "required exams" and insert in lieu thereof "initial examination required for limited certification".

50. On page 10, line 15, strike "certification" and insert in lieu thereof "licensure".

51. On page 10, line 17, strike "certification" and insert in lieu thereof "licensure".

52. On page 10, line 20, strike "exams" and insert in lieu thereof "licensure examinations".

53. On page 10, line 22, strike "certificates" and insert in lieu thereof "licenses".

54. On page 12, line 4, strike "certificate" and insert in lieu thereof "license".

55. On page 12, line 8, strike "technologist" and insert in lieu thereof "professional".

56. On page 12, line 10, strike "full certificate" and insert in lieu thereof "license".

57. On page 12, lines 18 and 19, strike "is not certified" and insert in lieu thereof "does not possess a license".

58. On page 12, line 21, strike "certificate" and insert in lieu thereof "license".

59. On page 12, line 23, strike "a full certificate or" and insert in lieu thereof "an individual licensed or a".

60. On page 13, line 13, strike "technologist" and insert in lieu thereof "professional".

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61. On page 13, line 14, strike "certificate" and insert in lieu thereof "license".

62. On page 13, line 16, strike "technology".

63. On page 13, line 19, strike "certificate" and insert in lieu thereof "license".

64. On page 13, line 21, strike "technology".

65. On page 13, lines 23 and 24, strike "duly certified" and insert in lieu thereof "licensed".

66. On page 14, line 11, after the period insert "The department shall notify within thirty days of a final disciplinary action any credentialing organization through which the person is credentialed or certified."

67. On page 14, between lines 11 and 12, insert the following new section:

"Section 12. Section 74-3-2 NMSA 1978 (being Laws 1959, Chapter 185, Section 2, as amended) is amended to read:

"74-3-2. [~~RADIATION TECHNICAL~~] MEDICAL IMAGING AND RADIATION THERAPY ADVISORY COUNCIL--CREATION AND ORGANIZATION.--

A. There is established a [~~"radiation technical~~] "medical imaging and radiation therapy advisory council" consisting of [~~seven~~] eleven members. The members shall be appointed by the governor, after consultation with the [~~director of the agency~~] secretary of environment and professional organizations representing medical imaging and radiation therapy, for [~~five-year~~] three-year staggered terms. The governor shall fill any vacancy occurring on the council within sixty days of the vacancy. The replacement appointee shall serve the remainder of the original member's unexpired term.

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~~B. The members of the [radiation technical advisory] council shall be: [individuals with scientific training in one or more of the following fields: diagnostic radiology, radiation therapy, nuclear medicine, radiation or health physics or related sciences with specialization in radiation.~~

~~C. Notwithstanding the provisions of Subsections A and B of this section, the radiation technical advisory council includes four additional members who shall sit as full council members on matters to which the Medical Radiation Health and Safety Act applies, including but not limited to regulations necessary to effectuate the provisions of that act. The additional members shall be four radiologic technologists appointed by the governor, whose initial appointments shall be made in such manner that two members shall be appointed for terms of three years and two members who shall be appointed for terms of five years. Thereafter, the additional members shall be appointed by the governor for staggered terms of five years each. The radiologic technologist members of the council shall be appointed from lists submitted to the governor by any generally recognized organization of radiologic technologists in this state. Vacancies shall be filled by appointment by the governor for the unexpired term within sixty days of the vacancy.]~~

(1) six medical imaging professionals licensed by the department of environment, representing each medical imaging modality defined under the Medical Imaging and Radiation Therapy Health and Safety Act, including one licensed radiographer and one licensed radiologist assistant;

(2) one individual who holds a certificate of limited practice in radiography;

(3) three physicians licensed pursuant to Section 61-6-1 or 61-10-1 NMSA 1978, each of whom represents a different medical specialty, only one of whom shall be a radiologist and at least one of whom shall be from a rural area; and

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(4) one member of the general public who is not licensed by the department of environment nor a relative of anyone licensed by the department.

C. The council may create ad hoc disciplinary review committees to consider medical matters and make recommendations to the council. Ad hoc disciplinary review committees shall, as a minimum, include:

(1) one individual licensed by the department of environment in the specific modality in question and who holds similar credentials as the individual under disciplinary review;

(2) one physician, licensed pursuant to Section 61-6-1 or 61-10-1 NMSA 1978, who is experienced in the modality in question; and

(3) one member of the general public.

D. A member shall serve no more than two consecutive three-year terms.

E. A member of the council may receive per diem and mileage as provided for non-salaried public officers in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance in connection with the discharge of the duties as a council member.

F. A member failing to attend three consecutive regular and properly noticed meetings of the council without a reasonable excuse shall be automatically removed from the council.

G. In the event of a vacancy, the department of environment shall immediately notify the governor of the vacancy. Within ninety days of receiving notice of a vacancy, the governor shall appoint a qualified person to fill the remainder of the unexpired term.

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H. A majority of the council members currently serving constitutes a quorum of the council.

I. The council shall meet at least once a year and at such other times as it deems necessary.

J. The council shall annually elect officers as deemed necessary to administer its duties.

K. Notwithstanding the provisions of Subsections A through I of this section, members shall initially be appointed by the governor so that five members shall be appointed for terms of three years and six members shall be appointed for terms of five years. Thereafter, the additional members shall be appointed by the governor for staggered terms of three years each.

L. As used in this section:

(1) "relative" means a person's spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half-brother, half-sister or spouse's parent; and

(2) "rural" means an area or location within a county having fifty thousand or fewer inhabitants as of the last federal decennial census."",

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and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

Dede Feldman, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Munoz

Absent: None

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