

1 HOUSE BILL 260

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Emily Kane

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10 AN ACT

11 RELATING TO HEALTH CARE; AMENDING THE MEDICAL IMAGING AND  
12 RADIATION THERAPY HEALTH AND SAFETY ACT TO EXEMPT EXPANDED  
13 PRACTICE DOCTORS OF ORIENTAL MEDICINE PERFORMING DIAGNOSTIC  
14 MUSCULOSKELETAL ULTRASOUND OR ULTRASOUND PROCEDURE GUIDANCE  
15 FROM MEDICAL IMAGING LICENSURE REQUIREMENTS.

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 61-14E-4 NMSA 1978 (being Laws 1983,  
19 Chapter 317, Section 4, as amended) is amended to read:

20 "61-14E-4. DEFINITIONS.--As used in the Medical Imaging  
21 and Radiation Therapy Health and Safety Act:

22 A. "advisory council" means the medical imaging and  
23 radiation therapy advisory council;

24 B. "board" means the environmental improvement  
25 board;

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1           C. "certificate of limited practice" means a  
2 certificate issued pursuant to the Medical Imaging and  
3 Radiation Therapy Health and Safety Act to persons who perform  
4 restricted diagnostic radiography under direct supervision of a  
5 licensed practitioner limited to the following specific  
6 procedures:

- 7                   (1) the viscera of the thorax;
- 8                   (2) extremities;
- 9                   (3) radiation to humans for diagnostic
- 10 purposes in the practice of dentistry;
- 11                   (4) axial/appendicular skeleton; or
- 12                   (5) the foot, ankle or lower leg;

13           D. "certified nurse practitioner" means a person  
14 licensed pursuant to Section 61-3-23.2 NMSA 1978;

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

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

24           G. "department" means the department of  
25 environment;

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

5 I. "division" means the environmental health  
6 division of the department of environment;

7 J. "expanded practice doctor of oriental medicine"  
8 means a doctor of oriental medicine certified in expanded  
9 practice pursuant to Section 61-14A-8.1 NMSA 1978;

10 ~~[J-]~~ K. "ionizing radiation" means alpha particles,  
11 beta particles, gamma rays, x-rays, neutrons, high-speed  
12 electrons, high-speed protons and other particles capable of  
13 producing ions; "ionizing radiation" does not include non-  
14 ionizing radiation, such as sound waves, radio waves or  
15 microwaves, or visible, infrared or ultraviolet light;

16 ~~[K-]~~ L. "license" means a document issued by the  
17 department pursuant to the Medical Imaging and Radiation  
18 Therapy Health and Safety Act to an individual who has met the  
19 requirements of licensure;

20 ~~[L-]~~ M. "licensed practitioner" means a person  
21 licensed to practice medicine, dentistry, podiatry,  
22 chiropractic or osteopathy in this state;

23 ~~[M-]~~ N. "licensure" means a grant of authority  
24 through a license or limited license to perform specific  
25 medical imaging and radiation therapy services pursuant to the

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1 Medical Imaging and Radiation Therapy Health and Safety Act;

2           ~~[N-]~~ O. "magnetic resonance technologist" means a  
3 person other than a licensed practitioner who performs magnetic  
4 resonance procedures under the supervision of a licensed  
5 practitioner using magnetic fields and radio frequency signals;

6           ~~[O-]~~ P. "medical imaging" means the use of  
7 substances or equipment emitting ionizing or non-ionizing  
8 radiation on humans for diagnostic or interventional purposes;

9           ~~[P-]~~ Q. "medical imaging modality" means:

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

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

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

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

18                   (5) radiography and all of its subspecialties;

19           ~~[Q-]~~ R. "medical imaging professional" means a  
20 person who is a magnetic resonance technologist, radiographer,  
21 nuclear medicine technologist or diagnostic medical sonographer  
22 and who is licensed pursuant to the Medical Imaging and  
23 Radiation Therapy Health and Safety Act;

24           ~~[R-]~~ S. "non-ionizing radiation" means the optical  
25 radiations, including ultraviolet, visible, infrared and

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1 lasers, static and time-varying electric and magnetic fields  
2 and radio frequency, including microwave radiation and  
3 ultrasound;

4 ~~[S.]~~ T. "nuclear medicine technologist" means a  
5 person other than a licensed practitioner who applies  
6 radiopharmaceutical agents to humans for diagnostic or  
7 therapeutic purposes under the direction of a licensed  
8 practitioner;

9 ~~[F.]~~ U. "physician assistant" means a person  
10 licensed pursuant to Section 61-6-7 or 61-10A-4 NMSA 1978;

11 ~~[H.]~~ V. "radiation therapy" means the application  
12 of ionizing radiation to humans for therapeutic purposes;

13 ~~[V.]~~ W. "radiation therapy technologist" means a  
14 person other than a licensed practitioner whose application of  
15 radiation to humans is for therapeutic purposes;

16 ~~[W.]~~ X. "radiographer" means a person other than a  
17 licensed practitioner whose application of radiation to humans  
18 is for diagnostic purposes;

19 ~~[X.]~~ Y. "radiography" means the application of  
20 radiation to humans for diagnostic purposes, including  
21 adjustment or manipulation of x-ray systems and accessories,  
22 including image receptors, positioning of patients, processing  
23 of films and any other action that materially affects the  
24 radiation dose to patients;

25 ~~[Y.]~~ Z. "radiologist" means a licensed practitioner

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1 certified by the American board of radiology, the British royal  
2 college of radiology, the American osteopathic board of  
3 radiology or the American chiropractic board of radiology; and

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

12 SECTION 2. Section 61-14E-7 NMSA 1978 (being Laws 1983,  
13 Chapter 317, Section 7, as amended) is amended to read:

14 "61-14E-7. LICENSURE--EXCEPTIONS.--

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

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

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

24 (3) engage in any of the medical imaging  
25 modalities as defined by the Medical Imaging and Radiation

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1 Therapy Health and Safety Act.

2 B. Notwithstanding any other provision of the  
3 Medical Imaging and Radiation Therapy Health and Safety Act,  
4 the requirement of a medical imaging license shall not apply to  
5 a licensed practitioner or auxiliary or health practitioner  
6 licensed or certified by an independent board; provided that  
7 any certification and examination program for auxiliaries or  
8 health practitioners established by an independent board shall  
9 be submitted to the advisory council and approved by the board.  
10 The requirement of a medical imaging license shall also not  
11 apply to a student who is enrolled in and attending a required  
12 individual education program of a school or college of  
13 medicine, osteopathy, chiropractic, podiatry, dentistry or  
14 dental hygiene to apply radiation to humans under the  
15 supervision of a licensed practitioner or under the direct  
16 supervision of a licensed medical imaging professional or  
17 radiation therapist.

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

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D. Notwithstanding any other provision of the Medical Imaging and Radiation Therapy Health and Safety Act, the requirement of a license shall not apply to an expanded practice doctor of oriental medicine performing diagnostic musculoskeletal ultrasound or ultrasound procedure guidance.

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

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