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SENATE BILL 342

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

INTRODUCED BY

Howie C. Morales

AN ACT

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE MEDICAL
IMAGING AND RADIATION THERAPY HEALTH AND SAFETY ACT TO PROVIDE
LIMITED AUTHORIZATION FOR REGISTERED NURSES AND CERTIFIED
NURSE-MIDWIVES TO PERFORM CERTAIN ULTRASOUND PROCEDURES.

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

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

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

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

B. "board" means the environmental improvement
board;

C. "certificate of limited practice" means a

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

6 (1) the viscera of the thorax;

7 (2) extremities;

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

10 (4) axial/appendicular skeleton; or

11 (5) the foot, ankle or lower leg;

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

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

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

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

25 H. "diagnostic medical sonographer" means a person,

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1 including a vascular technologist or echocardiographer, other
2 than a licensed practitioner, who provides patient care
3 services using ultrasound;

4 I. "division" means the environmental health bureau
5 of the field operations and infrastructure division of the
6 department [~~of environment~~];

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

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

17 L. "licensed practitioner" means a person licensed
18 to practice medicine, dentistry, podiatry, chiropractic or
19 osteopathy in this state;

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

24 N. "magnetic resonance technologist" means a person
25 other than a licensed practitioner who performs magnetic

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1 resonance procedures under the supervision of a licensed
2 practitioner using magnetic fields and radio frequency signals;

3 O. "medical imaging" means the use of substances or
4 equipment emitting ionizing or non-ionizing radiation on humans
5 for diagnostic or interventional purposes;

6 P. "medical imaging modality" means:

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

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

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

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

15 (5) radiography and all of its subspecialties;

16 Q. "medical imaging professional" means a person
17 who is a magnetic resonance technologist, radiographer, nuclear
18 medicine technologist or diagnostic medical sonographer and who
19 is licensed pursuant to the Medical Imaging and Radiation
20 Therapy Health and Safety Act;

21 R. "non-ionizing radiation" means the [~~optical~~
22 ~~radiations, including ultraviolet, visible, infrared and~~
23 ~~lasers~~] static and time-varying electric and magnetic fields
24 and radio frequency, including microwave radiation and
25 ultrasound;

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1 S. "nuclear medicine technologist" means a person
2 other than a licensed practitioner who applies
3 radiopharmaceutical agents to humans for diagnostic or
4 therapeutic purposes under the direction of a licensed
5 practitioner;

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

8 U. "radiation therapy" means the application of
9 ionizing radiation to humans for therapeutic purposes;

10 V. "radiation therapy technologist" means a person
11 other than a licensed practitioner whose application of
12 radiation to humans is for therapeutic purposes;

13 W. "radiographer" means a person other than a
14 licensed practitioner whose application of radiation to humans
15 is for diagnostic purposes;

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

22 Y. "radiologist" means a licensed practitioner
23 certified by the American board of radiology, the British royal
24 college of radiology, the American osteopathic board of
25 radiology or the American chiropractic board of radiology; and

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

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

11 "61-14E-7. LICENSURE--EXCEPTIONS.--

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

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

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

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

24 B. Notwithstanding any other provision of the
25 Medical Imaging and Radiation Therapy Health and Safety Act,

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1 the requirement of a medical imaging license shall not apply
2 to:

3 (1) a licensed practitioner ~~[or auxiliary or~~
4 ~~health practitioner licensed or certified by an independent~~
5 ~~board; provided that any certification and examination program~~
6 ~~for auxiliaries or health practitioners established by an~~
7 ~~independent board shall be submitted to the advisory council~~
8 ~~and approved by the board]; or~~

9 (2) a registered nurse or certified nurse-
10 midwife performing ultrasound procedures; provided that the
11 registered nurse or certified nurse-midwife has documented
12 demonstration of competency within the registered nurse's scope
13 of practice in compliance with board of nursing rules or
14 certified nurse-midwife's scope of practice in compliance with
15 department of health rules. A registered nurse or a certified
16 nurse-midwife may perform ultrasound procedures limited to a
17 focused imaging target for the purpose of clinical decision-
18 making. A registered nurse or certified nurse-midwife shall
19 not perform ultrasound for any other purpose.

20 C. The requirement of a medical imaging license
21 shall also not apply to a student who is enrolled in and
22 attending a required individual education program of a school
23 or college of medicine, osteopathy, chiropractic, podiatry,
24 dentistry or dental hygiene to apply radiation to humans under
25 the supervision of a licensed practitioner or under the direct

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1 supervision of a licensed medical imaging professional or
2 radiation therapist.

3 ~~[G-]~~ D. Notwithstanding any other provision of the
4 Medical Imaging and Radiation Therapy Health and Safety Act,
5 the requirement of a license shall not apply to a student
6 completing clinical requirements of an approved education
7 program working under the supervision of a licensed
8 practitioner or under the direct supervision of a medical
9 imaging professional or radiation therapist licensed in the
10 practice for which the student is seeking licensure.

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

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

18 G. A registered nurse or a certified nurse-midwife
19 shall not perform ionizing procedures, including radiography,
20 radiation therapy, nuclear medicine or a non-ionizing magnetic
21 resonance procedure, unless licensed by the department as a
22 medical imaging professional. Nothing in the Medical Imaging
23 and Radiation Therapy Health and Safety Act shall affect the
24 authority of a health care professional licensed pursuant to
25 Chapter 24 or Chapter 61 NMSA 1978 to order or use images

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1 resulting from ionizing or non-ionizing procedures in
2 accordance with the licensed health care professional's scope
3 of practice."

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