

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

(1) the viscera of the thorax;

(2) extremities;

(3) radiation to humans for diagnostic

1 purposes in the practice of dentistry;

2 (4) axial/appendicular skeleton; or

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

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

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

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

16 G. "department" means the department of
17 environment;

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

22 I. "division" means the environmental health
23 bureau of the field operations and infrastructure division of
24 the department;

25 J. "ionizing radiation" means alpha particles,

1 beta particles, gamma rays, x-rays, neutrons, high-speed
2 electrons, high-speed protons and other particles capable of
3 producing ions; "ionizing radiation" does not include
4 non-ionizing radiation, such as sound waves, radio waves or
5 microwaves, or visible, infrared or ultraviolet light;

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

10 L. "licensed practitioner" means a person licensed
11 to practice medicine, dentistry, podiatry, chiropractic or
12 osteopathy in this state;

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

17 N. "magnetic resonance technologist" means a
18 person other than a licensed practitioner who performs
19 magnetic resonance procedures under the supervision of a
20 licensed practitioner using magnetic fields and radio
21 frequency signals;

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

25 P. "medical imaging modality" means:

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

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

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

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

9 (5) radiography and all of its
10 subspecialties;

11 Q. "medical imaging professional" means a person
12 who is a magnetic resonance technologist, radiographer,
13 nuclear medicine technologist or diagnostic medical
14 sonographer and who is licensed pursuant to the Medical
15 Imaging and Radiation Therapy Health and Safety Act;

16 R. "non-ionizing radiation" means the static and
17 time-varying electric and magnetic fields and radio
18 frequency, including microwave radiation and ultrasound;

19 S. "nuclear medicine technologist" means a person
20 other than a licensed practitioner who applies
21 radiopharmaceutical agents to humans for diagnostic or
22 therapeutic purposes under the direction of a licensed
23 practitioner;

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

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

3 V. "radiation therapy technologist" means a person
4 other than a licensed practitioner whose application of
5 radiation to humans is for therapeutic purposes;

6 W. "radiographer" means a person other than a
7 licensed practitioner whose application of radiation to
8 humans is for diagnostic purposes;

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

15 Y. "radiologist" means a licensed practitioner
16 certified by the American board of radiology, the British
17 royal college of radiology, the American osteopathic board of
18 radiology or the American chiropractic board of radiology;
19 and

20 Z. "radiologist assistant" means an individual
21 licensed as a radiographer as defined in the Medical Imaging
22 and Radiation Therapy Health and Safety Act who holds
23 additional certification as a registered radiologist
24 assistant by the American registry of radiologic
25 technologists and who works under the supervision of a

1 radiologist; provided that a radiologist assistant shall not
2 interpret images, render diagnoses or prescribe medications
3 or therapies."

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

6 "61-14E-7. LICENSURE--EXCEPTIONS.--

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

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

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

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

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

23 (1) a licensed practitioner;

24 (2) a health care practitioner licensed or
25 certified by an independent board operating pursuant to

1 Chapter 61 NMSA 1978 or a state regulatory body; provided
2 that any medical imaging certification and examination
3 program for health care practitioners established by an
4 independent board or state regulatory body shall be submitted
5 to the advisory council and approved by the board; or

6 (3) a registered nurse or certified
7 nurse-midwife performing ultrasound procedures; provided that
8 the registered nurse or certified nurse-midwife has
9 documented demonstration of competency within the registered
10 nurse's scope of practice in compliance with board of nursing
11 rules or certified nurse-midwife's scope of practice in
12 compliance with department of health rules. A registered
13 nurse or a certified nurse-midwife may perform ultrasound
14 procedures limited to a focused imaging target. A registered
15 nurse or certified nurse-midwife shall not perform diagnostic
16 ultrasound.

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

25 D. Notwithstanding any other provision of the

1 Medical Imaging and Radiation Therapy Health and Safety Act,
2 the requirement of a license shall not apply to a student
3 completing clinical requirements of an approved education
4 program working under the supervision of a licensed
5 practitioner or under the direct supervision of a medical
6 imaging professional or radiation therapist licensed in the
7 practice for which the student is seeking licensure.

8 E. The department shall adopt rules and
9 regulations for the education and licensure of advanced
10 medical imaging professionals.

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

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