

HOUSE BILL 261

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Emily Kane

AN ACT

RELATING TO HEALTH CARE; EXEMPTING EXPANDED PRACTICE DOCTORS OF
ORIENTAL MEDICINE PERFORMING DIAGNOSTIC MUSCULOSKELETAL
ULTRASOUND OR MUSCULOSKELETAL ULTRASOUND PROCEDURE GUIDANCE
FROM MEDICAL IMAGING LICENSURE REQUIREMENTS.

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

SECTION 1. Section 61-14E-7 NMSA 1978 (being Laws 1983,
Chapter 317, Section 7, as amended) is amended to read:

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

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

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

(2) use any title, abbreviation, letters,

.195708.2

underscoring material = new
[bracketed material] = delete

underscored material = new
~~[bracketed material] = delete~~

1 figures, signs or other devices to indicate that the person is
2 a licensed medical imaging professional or radiation therapist;
3 or

4 (3) engage in any of the medical imaging
5 modalities as defined by the Medical Imaging and Radiation
6 Therapy Health and Safety Act.

7 B. Notwithstanding any other provision of the
8 Medical Imaging and Radiation Therapy Health and Safety Act,
9 the requirement of a medical imaging license shall not apply
10 to:

11 (1) a licensed practitioner;

12 (2) a health care practitioner licensed or
13 certified by an independent board operating pursuant to
14 Chapter 61 NMSA 1978 or a state regulatory body; provided that
15 any medical imaging certification and examination program for
16 health care practitioners established by an independent board
17 or state regulatory body shall be submitted to the advisory
18 council and approved by the board; or

19 (3) a registered nurse or certified nurse-
20 midwife performing ultrasound procedures; provided that the
21 registered nurse or certified nurse-midwife has documented
22 demonstration of competency within the registered nurse's scope
23 of practice in compliance with board of nursing rules or
24 certified nurse-midwife's scope of practice in compliance with
25 department of health rules. A registered nurse or a certified

.195708.2

underscoring material = new
~~[bracketed material] = delete~~

1 nurse-midwife may perform ultrasound procedures limited to a
2 focused imaging target. A registered nurse or certified nurse-
3 midwife shall not perform diagnostic ultrasound.

4 C. The requirement of a medical imaging license
5 shall also not apply to a student who is enrolled in and
6 attending a required individual education program of a school
7 or college of medicine, osteopathy, chiropractic, podiatry,
8 dentistry or dental hygiene to apply radiation to humans under
9 the supervision of a licensed practitioner or under the direct
10 supervision of a licensed medical imaging professional or
11 radiation therapist.

12 D. Notwithstanding any other provision of the
13 Medical Imaging and Radiation Therapy Health and Safety Act,
14 the requirement of a license shall not apply to a student
15 completing clinical requirements of an approved education
16 program working under the supervision of a licensed
17 practitioner or under the direct supervision of a medical
18 imaging professional or radiation therapist licensed in the
19 practice for which the student is seeking licensure.

20 E. The department shall adopt rules and regulations
21 for the education and licensure of advanced medical imaging
22 professionals.

23 F. The department may require students in medical
24 imaging and radiation therapy educational programs to register
25 with the department while enrolled in an approved education

.195708.2

underscored material = new
[bracketed material] = delete

1 program.

2 G. A registered nurse or a certified nurse-
3 midwife shall not perform ionizing procedures, including
4 radiography, radiation therapy, nuclear medicine or a non-
5 ionizing magnetic resonance procedure, unless licensed by the
6 department as a medical imaging professional. Nothing in the
7 Medical Imaging and Radiation Therapy Health and Safety Act
8 shall affect the authority of a health care professional
9 licensed pursuant to Chapter 24 or Chapter 61 NMSA 1978 to
10 order or use images resulting from ionizing or non-ionizing
11 procedures in accordance with the licensed health care
12 professional's scope of practice.

13 H. Notwithstanding any other provision of the
14 Medical Imaging and Radiation Therapy Health and Safety Act,
15 the requirement of a license shall not apply to a doctor of
16 oriental medicine certified in expanded practice who performs
17 diagnostic musculoskeletal ultrasound or musculoskeletal
18 ultrasound procedure guidance."