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SENATE BILL 336

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Howie Morales

AN ACT

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE MEDICAL IMAGING AND RADIATION THERAPY HEALTH AND SAFETY ACT TO EXEMPT CERTIFIED REGISTERED NURSE ANESTHETISTS FROM ENVIRONMENTAL IMPROVEMENT BOARD LICENSURE REQUIREMENTS AND TO EXEMPT FROM ENVIRONMENTAL IMPROVEMENT BOARD LICENSURE REQUIREMENTS THOSE CERTIFIED NURSE PRACTITIONERS, CLINICAL NURSE SPECIALISTS AND CERTIFIED NURSE MIDWIVES WHO MEET CERTAIN IMAGING EDUCATION PREREQUISITES.

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

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1 radiation therapy advisory council;

2 B. "board" means the environmental improvement
3 board;

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

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

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

18 E. "certified registered nurse anesthetist" means a
19 registered nurse who is licensed by the board of nursing for
20 advanced practice as a certified registered nurse anesthetist
21 and whose name and pertinent information has been entered on
22 the list of certified registered nurse anesthetists maintained
23 by the board of nursing;

24 [~~E.~~] F. "credential" or "certification" means the
25 recognition awarded to an individual who meets the requirements

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1 of a credentialing or certification organization;

2 ~~[F.]~~ G. "credentialing organization" or
3 "certification organization" means a nationally recognized
4 organization recognized by the board that issues credentials or
5 certification through testing or evaluations that determine
6 whether an individual meets defined standards for training and
7 competence in a medical imaging modality;

8 ~~[G.]~~ H. "department" means the department of
9 environment;

10 ~~[H.]~~ I. "diagnostic medical sonographer" means a
11 person, including a vascular technologist or echocardiographer,
12 other than a licensed practitioner, who provides patient care
13 services using ultrasound;

14 ~~[I.]~~ J. "division" means the environmental health
15 division of the department of environment;

16 ~~[J.]~~ K. "ionizing radiation" means alpha particles,
17 beta particles, gamma rays, x-rays, neutrons, high-speed
18 electrons, high-speed protons and other particles capable of
19 producing ions; "ionizing radiation" does not include non-
20 ionizing radiation, such as sound waves, radio waves or
21 microwaves, or visible, infrared or ultraviolet light;

22 ~~[K.]~~ L. "license" means a document issued by the
23 department pursuant to the Medical Imaging and Radiation
24 Therapy Health and Safety Act to an individual who has met the
25 requirements of licensure;

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1 ~~[H.]~~ M. "licensed practitioner" means a person
2 licensed to practice medicine, dentistry, podiatry,
3 chiropractic or osteopathy in this state and a certified
4 registered nurse anesthetist;

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

9 ~~[N.]~~ O. "magnetic resonance technologist" means a
10 person other than a licensed practitioner who performs magnetic
11 resonance procedures under the supervision of a licensed
12 practitioner using magnetic fields and radio frequency signals;

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

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

- 17 (1) diagnostic medical sonography and all of
18 its subspecialties;
- 19 (2) magnetic resonance imaging and all of its
20 subspecialties;
- 21 (3) nuclear medicine technology and all of its
22 subspecialties;
- 23 (4) radiation therapy and all of its
24 subspecialties; and
- 25 (5) radiography and all of its subspecialties;

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1 [Q-] R. "medical imaging professional" means a
2 person who is a magnetic resonance technologist, radiographer,
3 nuclear medicine technologist or diagnostic medical sonographer
4 and who is licensed pursuant to the Medical Imaging and
5 Radiation Therapy Health and Safety Act;

6 [R-] S. "non-ionizing radiation" means the optical
7 radiations, including ultraviolet, visible, infrared and
8 lasers, static and time-varying electric and magnetic fields
9 and radio frequency, including microwave radiation and
10 ultrasound;

11 [S-] T. "nuclear medicine technologist" means a
12 person other than a licensed practitioner who applies
13 radiopharmaceutical agents to humans for diagnostic or
14 therapeutic purposes under the direction of a licensed
15 practitioner;

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

18 [H-] V. "radiation therapy" means the application
19 of ionizing radiation to humans for therapeutic purposes;

20 [V-] W. "radiation therapy technologist" means a
21 person other than a licensed practitioner whose application of
22 radiation to humans is for therapeutic purposes;

23 [W-] X. "radiographer" means a person other than a
24 licensed practitioner whose application of radiation to humans
25 is for diagnostic purposes;

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1 ~~[X.]~~ Y. "radiography" means the application of
2 radiation to humans for diagnostic purposes, including
3 adjustment or manipulation of x-ray systems and accessories,
4 including image receptors, positioning of patients, processing
5 of films and any other action that materially affects the
6 radiation dose to patients;

7 ~~[Y.]~~ Z. "radiologist" means a licensed practitioner
8 certified by the American board of radiology, the British royal
9 college of ~~[radiology]~~ radiologists, the American osteopathic
10 board of radiology or the American chiropractic board of
11 radiology; and

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

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

22 "61-14E-7. LICENSURE--EXCEPTIONS.--

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

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

3 (2) use any title, abbreviation, letters,
4 figures, signs or other devices to indicate that the person is
5 a licensed medical imaging professional or radiation therapist;
6 or

7 (3) engage in any of the medical imaging
8 modalities as defined by the Medical Imaging and Radiation
9 Therapy Health and Safety Act.

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

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1 C. Notwithstanding any other provision of the
2 Medical Imaging and Radiation Therapy Health and Safety Act,
3 the requirement of a medical imaging license shall not apply to
4 certified nurse practitioners, certified nurse midwives or
5 clinical nurse specialists who:

6 (1) submit evidence to the board of nursing of
7 having received medical imaging or radiation therapy education
8 as part of the formal nursing education they received pursuant
9 to their respective scopes of practice;

10 (2) submit evidence to the board of nursing of
11 having received medical imaging or radiation therapy education,
12 including the manner in which this training was obtained, the
13 source of the training, examinations completed, any
14 certification received and:

15 (a) for certified nurse midwives,
16 receive the maternal health office of the department of
17 health's confirmation that the imaging education received meets
18 maternal health office standards; and

19 (b) for certified nurse practitioners
20 and clinical nurse specialists, receive the board of nursing's
21 confirmation that the imaging education meets board of nursing
22 standards; or

23 (3) submit for board of nursing approval other
24 written evidence of competency in medical imaging or radiation
25 therapy, which may include an attestation by a licensed

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1 provider;

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

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

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