TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 3 RADIATION PROTECTION
PART 20 MEDICAL IMAGING AND RADIATION THERAPY LICENSURE

2**0.3.20.1 ISSUING AGENCY:** Environmental Improvement Board.
[20.3.20.1 NMAC - Rp, 20.3.20.1 NMAC, 9/25/2018]

2**0.3.20.2 SCOPE:** All individuals engaged in the practice of medical imaging and radiation therapy.
[20.3.20.2 NMAC - Rp, 20.3.20.2 NMAC, 9/25/2018]

2**0.3.20.3 STATUTORY AUTHORITY:** Medical Imaging and Radiation Therapy Health and Safety Act, Sections 61-14E-1 to 61-14E-12 NMSA 1978, Section 74-1-8 NMSA 1978, and the Uniform Licensing Act, Sections 61-1-1 to 61-1-34 NMSA 1978.
[20.3.20.3 NMAC - Rp, 20.3.30.3 NMAC, 9/25/2018]

2**0.3.20.4 DURATION:** Permanent.
[20.3.20.4 NMAC - Rp, 20.3.20.4 NMAC, 9/25/2018]

2**0.3.20.5 EFFECTIVE DATE: [**~~September 25, 2018~~] October ____, 2026, unless a later date is cited at the end of a section.
[20.3.20.5 NMAC - Rp, 20.3.20.5 NMAC, 9/25/2018; A, XX/XX/2026]

2**0.3.20.6 OBJECTIVE:** To maximize the protection practicable for the citizens of New Mexico from ionizing and non-ionizing radiation in the practice of medical imaging and radiation therapy by establishing requirements for appropriate education and training of individuals operating medical equipment emitting ionizing and non-ionizing radiation, establishing standards of education and training for the individuals who perform medical imaging and radiation therapy procedures, and providing for the appropriate examination and licensure of those individuals.
[20.3.20.6 NMAC - Rp 20.3.20.6 NMAC, 9/25/2018]

2**0.3.20.7 DEFINITIONS:** As used in this part (20.3.20 NMAC).

A. "**Act"** means the Medical Imaging and Radiation Therapy Health and Safety Act, Sections 61-14E-1 to 61-14E-12 NMSA 1978.

B. **"Advisory council"** means the medical imaging and radiation therapy advisory council (MIRTAC).

C. **"Applying ionizing radiation"** means to use ionizing radiation for diagnostic or therapeutic purposes, including tasks having direct impact on the radiation burden of the patient, such as, but not limited to:

(1) positioning the patient, image receptor, and beam;

(2) selection of exposure factors or treatment parameters;

(3) preparation, calibration, and injection of pharmaceuticals and radiopharmaceuticals in accordance with a licensee's scope of practice; and

(4) actuating the production of radiation.

D. **"Approved program"** means a medical imaging or radiation therapy educational program that meets the requirements of 20.3.20.200 NMAC.

E. **"Biennial licensure fee"** means the licensure fee for an initial, renewal, and limited radiography license, excluding the temporary license, for a period up to 24 months, and is only applied once per continuing medical education biennium period regardless of the number of licenses granted to that registrant. This fee will be assessed each time a registrant submits an application packet to the department. Upon written request to the department, the registrant may reduce their NM biennium period to match their national continuing medical education biennium period.

F. **"Board"** means the environmental improvement board.

G. **"Cardiac sonography"** or **"echocardiography"** means an examination using ultrasound to generate an image of the heart or major blood vessels.

H. **"Category A"** means a continuing education activity approved for category A credit by an organization recognized by the American registry of radiologic technologists as a recognized continuing education evaluation mechanism.

DRAFT

I. "Certificate of licensure" means a document issued by the department that lists the type or types of license granted to an individual.

J. "Certificate of limited practice" or **"limited practice of radiography license"** means a limited license granted by the department to an individual other than a licensed practitioner or radiographer who performs restricted diagnostic radiography procedures under the direct supervision of a licensed practitioner or radiographer on designated anatomical sites or limited anatomical areas.

K. "Certified nurse practitioner" means a person licensed pursuant to Section 61-3-23.2 NMSA 1978.

L. "Chest and thorax" or **"viscera of the thorax"** means radiographic examinations of the ribs and lungs, including anteroposterior, posterior-anterior, lateral, and apical lordotic views, but does not include mammography.

M. "Clinical instruction" means hands-on educational experience in a health care setting such as a hospital, clinic, or physician's office, under the supervision requirements consistent with the standards of the program's accrediting agencies.

N. "Continuing education" (CE) or "continuing medical education" (CME) means a learning activity that is planned, organized, and administered to enhance the professional knowledge and skill of the licensee.

O. "Credential" or **"certification"** means the recognition awarded to an individual who meets the initial and ongoing requirements of a credentialing or certification organization.

P. "Credentialing organization" or **"certification organization"** means an organization accredited by the national commission for certifying agencies or the American national standards institute and recognized by the board that issues credentials through testing or evaluation and determines that an individual has met defined standards for training and competence in a medical imaging or radiation therapy modality and subspecialty.

Q. "Department" means the New Mexico environment department.

R. "Diagnostic medical sonographer" means a person, including a vascular technologist or echocardiographer, other than a licensed practitioner, who provides patient care services using ultrasound;

S. "Diagnostic medical sonography" or **"sonogram"** means the use of ultrasound and sonographic equipment to create medical images for interpretation by a licensed practitioner or other qualified health care practitioner that provide diagnostic information about a patient's medical condition and includes obstetrical ultrasound. Obstetrical ultrasound means an ultrasound exam performed for the purpose of fetal biometry beyond the first trimester, fetal number, anatomic survey, or follow-up examination for a known or suspected anomaly or growth disturbance. It does not mean a procedure using ultrasound on a focused imaging target to assess specific and limited information about a patient's immediate medical condition or to provide real-time visual guidance for another procedure.

T. "Didactic instruction" means academic instruction.

U. "Duplicate certificate of licensure" means an additional original certificate of licensure issued by the department.

V. "Extremities" means the fingers, hand, wrist, radius/ulna, elbow, humerus, pectoral girdle (shoulder joint and clavicle), toes, foot, ankle, calcaneus, tibia/fibula, patella, knee, or distal femur, but does not include the skull, spine, hip, or pelvis.

W. "Facility" means a hospital, clinic, medical office, mobile lab, or other location where medical imaging or radiation therapy is provided.

X. "Focused imaging target" means a discrete anatomical target, to which ultrasound is applied to create an image for assessment of specific and limited information about a patient's immediate medical condition, or to provide visual guidance for another procedure. An ultrasound procedure on a focused imaging target does not supplant a diagnostic ultrasound examination.

Y. "General sonography" means an examination using ultrasound to create an image of the abdomen, chest, pelvis, pregnant uterus, small parts, or superficial structures.

Z. "Interventional" means to diagnose or treat patients using medical imaging devices. Interventional procedures may include, but are not limited to: radiation therapy, organ biopsy, angiography, angioplasty, and catheter delivered stents. Interventional does not mean needle or catheter placement for vascular access or delivery of medicine or anesthesia, or the use of non-ionizing energy for non-imaging therapeutic or treatment purposes.

AA. "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles; but not ultrasound, sound, or radio waves, nor visible, infrared or ultraviolet light.

DRAFT

AB. "License" means a grant of authority issued by the department for an individual to perform medical imaging or radiation therapy procedures.

AC. "License term" means a length of licensure as indicated on the certificate of licensure issued by the department.

AD. "Licensed practitioner" means an individual licensed to practice medicine, dentistry, podiatry, chiropractic or osteopathy in this state.

AE. "Licensee" means an individual who has met and continues to meet all requirements of the act and this part.

AF. "Licensure" means the grant of authority by the department for an individual to perform medical imaging or radiation therapy procedures.

AG. "Limited practice radiography technologist" means an individual who has been granted a limited practice in radiography license by the department to perform restricted diagnostic radiography procedures under the direct supervision of a licensed practitioner or radiographer.

AH. "Lower leg" means the knee and ankle and portions of the leg between the knee and ankle.

AI. "Magnetic resonance imaging" means an examination using magnetic fields and radio frequency signals to generate an image.

AJ. "Magnetic resonance technologist" means an individual other than a licensed practitioner who performs magnetic resonance imaging procedures under the supervision of a licensed practitioner using magnetic fields and radio frequency signals.

AK. "Medical imaging" means the use of substances or equipment emitting ionizing or non-ionizing radiation on humans for diagnostic or interventional purposes.

AL. "Medical imaging professional" means an individual who has been granted a license by the department pursuant to the act in at least one medical imaging modality.

AM. "Modality" means the following medical imaging procedures or technologies:

(1) computed tomography and all of its subspecialties;

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

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

(4) nuclear medicine technology and all of its subspecialties;

(5) radiation therapy and all of its subspecialties; and

(6) radiography and all of its subspecialties.

AN. "Musculoskeletal sonography" or **"musculoskeletal ultrasound"** means an examination using ultrasound to generate an image of a superficial muscle, tendon, ligament, or joint.

AO. "Non-ionizing radiation" means the static and time-varying electric and magnetic fields and radio frequency, including microwave radiation and ultrasound.

AP. "Nuclear medicine technologist" means an individual, other than a licensed practitioner, who performs nuclear medicine procedures, venipuncture, and compounds, calibrates, dispenses, and administers pharmaceuticals, radiopharmaceuticals, and radionuclides under the supervision of a licensed practitioner.

AQ. "Personal identification" means an applicant's or licensee's full legal name, permanent and mailing address, social security number, date of birth, home phone number, cellular telephone number, work telephone number, electronic mail address, department registration number, and other related information.

AR. "Phlebology" means ultrasound examination of superficial veins in the lower extremities for the identification and treatment of venous disease.

AS. "Physician assistant" means a person licensed and operating within their scope of practice pursuant to Section 61-6-7 or 61-10A-4 NMSA 1978.

AT. "Place of employment" means a location with its own physical address or separated by building structure regardless of ownership, company, nonprofit organization, or business name.

AU. "Podiatric" means radiographic examination of the toes, foot, ankle, calcaneus, distal tibia/fibula, but does not include the knee joint.

AV. "Programmatic accreditation" means a specialized accreditation process that examines the medical imaging or radiation therapy program within an educational institution.

AW. "Radiation therapy" means the use of high-energy particles or waves to destroy or damage cells.

AX. "Radiation therapy technologist" or **"radiation therapist"** means an individual, other than a licensed practitioner, who utilizes ionizing radiation for the planning and delivery of therapeutic procedures to humans under the supervision of a licensed practitioner.

AY. "Radiographer" means an individual, other than a licensed practitioner, who applies radiation to humans for diagnostic purposes under the supervision of a licensed practitioner.

DRAFT

AZ. "Radiography" means the application of radiation to humans for diagnostic purposes, including adjustment or manipulation of x-ray systems and accessories, including image receptors, positioning of patients, processing of films and any other action that materially affects the radiation dose to patients.

BA. "Radiologic technologist" or **"radiation therapy technologist"** means a medical imaging or radiation therapy professional licensed by the department in one or more of the imaging modalities.

BB. "Radiologist" means a licensed practitioner certified by the American board of radiology, the British royal college of radiology, the American osteopathic board of radiology or the American chiropractic board of radiology.

BC. "Radiologist assistant" means an individual licensed as a radiographer who holds additional certification as a registered radiologist assistant by the American registry of radiologic technologists and who works under the supervision of a radiologist; provided that a radiologist assistant shall not interpret images, render diagnoses or prescribe medications or therapies.

BD. "Recognized continuing education evaluation mechanism (RCEEM)" means a recognition mechanism of the ARRT for evaluating the content, quality, and integrity of a continuing education activity.

BE. "Registration number" means a number that is generated by the department to be used as a unique identification number in place of that individual's social security number. This number will remain the same number throughout the individual's lifetime.

BF. "Remedial education" or **"remedial training"** means additional education or training required for an individual to re-qualify to take a state-administered examination for the limited practice of radiography.

BG. "Scope of practice" means nationally recognized practice standards as applicable to each medical imaging modality and subspecialty, unless this part is superseded by the act.

BH. "Small parts" means superficial structures or anatomy including, but not limited to: axilla, chest or abdominal wall, penis, scrotum or testicles, thyroid, parathyroid, and other non-vascular structures of the neck or extremities.

BI. "Sonographer" or **"echocardiographer"** or **"vascular technologist"** means an individual other than a licensed practitioner who applies ultrasound to humans for diagnostic and interventional purposes under the supervision of a licensed practitioner.

BJ. "Sonography" or **"ultrasound"** means the use of high frequency sound waves (above 20,000 cycles per second) with specialized equipment to direct the sound waves into an area of the human body to generate an image.

BK. "Sonography subspecialty" means an area of specialization recognized by the board, including:

(1) abdominal sonography;

(2) breast sonography;

(3) cardiac sonography;

(4) musculoskeletal sonography;

(5) obstetric/gynecology sonography;

(6) phlebology sonography; and

(7) vascular sonography.

BL. "Student" means an individual enrolled in and attending a school or college of medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene, an approved program in medical imaging or radiation therapy, or an approved limited radiography program.

BM. "Subspecialty" means an area of specialization approved by the board within a medical imaging or radiation therapy modality.

BN. "Supervision" means responsibility for and control of quality, radiation safety, and protection and technical aspects of the application of ionizing and non-ionizing radiation to human beings for diagnostic or therapeutic purposes. For the purposes of this Part, supervision shall consist of one of the following:

(1) "direct supervision" [~~means the medical imaging or radiation therapy procedure is provided under the direction and control of a person authorized to provide supervision and the person's physical presence must be present in the office suite or building and immediately available to furnish assistance and direction throughout the performance of the procedure. It does not mean that the supervisor must be present in the room when the procedure is performed.~~] means the procedure is performed under the direction and control of a individual licensed by the department who:

(a) is physically present in the immediate clinical area;

(b) maintains continuous visual and situational awareness of the procedure; and

(c) is able to enter the procedure room and provide assistance immediately and without delay.

(2) "indirect supervision" or **"general supervision"** [~~means the medical imaging or radiation therapy procedure is provided under the direction and control of a person authorized to provide supervision, but the person's presence is not required during the performance of the procedure. The training of the non-physician personnel and the maintenance of the necessary equipment and supplies are the continuing responsibility of the person authorized to provide supervision.~~] means the procedure is performed under the overall direction and control of a licensed practitioner whose presence is not required during the performance of the procedure. The supervising individual remains responsible for the competency and training of personnel performing the procedure, and the condition and safe operation of the equipment used.

(3) [~~student supervision requirements must be consistent with the medical imaging and radiation therapy standards of the programmatic accreditation agencies.~~] Student supervision must ensure patient safety, educational integrity, and radiation protection. The supervising individual licensed by the department must maintain visual oversight or real-time monitoring of the portions of the procedure performed by the student, and be immediately available to provide direction, correction, or intervention as needed. Student supervision is not met when the supervisor is behind closed doors or in any location where the student's performance cannot be observed or monitored

BO. "Temporary license" means a grant of authority by the department for an individual to perform medical imaging or radiation therapy procedures pursuant to the term and requirements of section 20.3.20.321 NMAC.

BP. "Vascular sonography" means an examination using ultrasound to generate an image of the peripheral or neck blood vessels.

BQ. "Viscera of the thorax" means radiographic examination of the lungs and mediastinum.

[20.3.20.7 NMAC - Rp, 20.3.20.7 NMAC, 9/25/2018; A, xx/xx/2026]

20.3.20.8 ABBREVIATIONS AND ACRONYMS:

A. "ANSI" stands for American national standards institute.
B. "ARDMS" stands for the American registry for diagnostic medical sonography.
C. "ARMRIT" stands for American registry of magnetic resonance imaging technologists.
D. "ARRT" stands for the American registry of radiologic technologists.
E. "BS" stands for breast sonography.
F. "CAAHEP" stands for the commission on accreditation of allied health education programs.
G. "CCI" stands for the cardiovascular credentialing international.
H. "CHEA" stands for the council of higher education accreditation.
I. "CNMT" stands for certified nuclear medicine technologist.
J. "CS" stands for cardiac sonography.
K. "CT" stands for computed tomography.
L. "DMS" stands for diagnostic medical sonography.
M. "FUS" stands for fusion imaging.
N. "JRCDMS" stands for the joint review committee on diagnostic medical sonography.
O. "JRCERT" stands for the joint review committee on education in radiologic technology.
P. "JRCNMT" stands for the joint review committee on educational program in nuclear medicine technology.
Q. "LXE" stands for limited practice radiography to the extremities.
R. "LXP" stands for limited practice radiography to the podiatric.
S. "LXT" stands for limited practice radiography to the viscera of the thorax.
T. "LXV" stands for limited practice radiography to the axial/appendicular skeleton.
U. "MR" stands for magnetic resonance.
V. "MRT" stands for magnetic resonance technologist.
W. "MSK" stands for diagnostic musculoskeletal technologist.
X. "NCCA" stands for national commission for certifying agencies.
Y. "NMT" stands for nuclear medicine technologist.
Z. "NMTCB" stands for the nuclear medicine technologist certification board.
AA. "N" stands for nuclear medicine technology.
AB. "PBS" stands for phlebology sonography.
AC. "PET" stands for positron emission tomography.
AD. "PVL" stands for provisional license.

DRAFT

AE. **"RCCS"** stands for registered congenital cardiac sonographer.
AF. **"RCS"** stands for registered cardiac sonographer.
AG. **"RDCS"** stands for registered diagnostic cardiac sonographer.
AH. **"RDMS"** stands for registered diagnostic medical sonographer.
AI. **"RMRIT"** stands for magnetic resonance imaging technologist.
AJ. **"RMSK"** stands for registered in musculoskeletal sonography.
AK. **"RPhS"** stands for registered phlebology sonographer.
AL. **"R"** stands for radiography.
AM. **"RRT"** stands for radiographic radiologic technologist.
AN. **"RRA"** stands for registered radiology assistant.
AO. **"R.T."** stands for registered technologist.
AP. **"RTT"** stands for radiation therapy technologist.
AQ. **"RVS"** stands for registered vascular specialist.
AR. **"RVT"** stands for registered vascular technologist.
AS. **"S"** stands for sonography.
AT. **"TMP"** stands for temporary.
AU. **"T"** stands for radiation therapy.
AV. **"USDE"** stands for United States department of education.
AW. **"VS"** stands for vascular sonography.

[20.3.20.8 NMAC - Rp, 20.3.20.8 NMAC, 9/25/2018]

20.3.20.9 ADMINISTRATION AND ENFORCEMENT: The administration and enforcement of the act and this part (20.3.20 NMAC) is vested in the department.

[20.3.20.9 NMAC - N, 9/25/2018]

20.3.20.10 - 20.3.20.99 [RESERVED]

20.3.20.100 LICENSE REQUIRED:

A. Unlawful acts. It is unlawful for an individual, other than an individual licensed by the department, or who is exempt under the provisions of the act, to:

(1) use ionizing or non-ionizing radiation for diagnostic, interventional, or therapeutic purposes on humans;

(2) use any title, abbreviation, letters, figures, signs, or other devices to indicate the individual is a medical imaging or radiation therapy professional; or

(3) engage in any of the medical imaging or radiation therapy modalities or subspecialties.

B. Statutory [~~exceptions~~] exemptions. Pursuant to the act, a medical imaging license is not required for:

(1) a licensed practitioner;

(2) a student under the supervision of a licensed practitioner or under the direct supervision of a licensed medical imaging or radiation therapy professional licensed in the modality and subspecialty in which the student is performing the procedure;

(3) a health care practitioner licensed or certified by an independent board as defined by the act that has been approved by the board as provided in Subsection C of this section; or

(4) a registered nurse or certified nurse-midwife performing ultrasound procedures; provided that the registered nurse or certified nurse-midwife has documented demonstration of competency within the registered nurse's scope of practice in compliance with board of nursing rules or certified nurse-midwife's scope of practice in compliance with department of health rules. A registered nurse or certified nurse-midwife shall not perform diagnostic ultrasound examinations or ionizing procedures, including radiography, radiation therapy, nuclear medicine or a non-ionizing magnetic resonance procedure, unless licensed by the department as medical imaging professional or radiation therapist professional. A registered nurse or a certified nurse-midwife may perform ultrasound procedures limited to a focused imaging target. A focused imaging target includes, but is not limited to:

(a) identification of an anatomical landmark or blood vessel;
(b) assessment of presence or absence of fluid in a body cavity;
(c) assessment of fetal presentation or heartbeat; or
(d) assessment of foreign body position or location.

DRAFT

(5) An accredited nuclear medicine technologist (Licensed by the state) who performs CT radiographic exams as part of a PET/CT or SPECT/CT combination exam.

C. An independent board or state regulatory body may submit an application for approval of their medical imaging certification and examination program to the MIRTAC for review.

(1) The MIRTAC shall consider whether the medical imaging and certification examination program adequately ensures the appropriate education, training, and clinical experience while ensuring patient health and safety and shall make a written recommendation to the board.

(2) The board may approve or deny an application based on whether or not it finds adequate evidence that the certification and examination program ensures appropriate education, training, and clinical experience while ensuring health and patient safety.

(3) The independent board or state regulatory body shall reapply to the board for re-approval if substantive changes to the certification and examination program are made subsequent to the board's approval.

D. Temporary exemption. The department may temporarily exempt applicants from licensure requirements upon determining that:

(1) the experience or training of the applicant is such that no apparent danger to the public exists;

(2) the people in the area of the state to be served by the applicant would otherwise be denied adequate medical care because of the unavailability of a medical imaging or radiation therapy professional; and

(3) each application for temporary exemption shall be supported by:

(i) an application for temporary exemption;

(ii) an application fee; and

(iii) written evidence to support the applicant's compliance with Paragraphs (1) and (2) of this Subsection.

E. Temporary exemption term. A temporary exemption approved by the board shall be for a limited period of time, not to exceed one year. A temporary exemption may be renewed if the circumstances have not changed and if deemed warranted by the department.

F. Temporary exemption application denial. The board, with the advice of the MIRTAC, shall resolve appeals of a denial of an application for temporary exemption pursuant to 20.3.20.600 NMAC. When making a determination of existence of community hardship, the board will:

(1) consult health agencies;

(2) evaluate availability of alternative medical imaging or radiation therapy services and licensed medical imaging or radiation therapy professionals; and

(3) evaluate documentation from the applicant's employer or prospective employer to demonstrate that recruitment of qualified individuals, at competitive compensation, has been attempted and was unsuccessful. Such demonstration may take the form of:

(a) documented advertising in publications pertaining to medical imaging professionals;

(b) registration of the position with the New Mexico department of workforce solutions or similar state agency; or

(c) documentation of current and past contracting with medical imaging or radiation therapy job placement companies.

[20.3.20.100 NMAC - N, 9/25/2018; A, XX/XX/2026]

20.3.20.101 SCOPE OF PRACTICE:

A. General provisions.

(1) A licensee's scope of practice is determined based upon the licensee's education, certification, and state and federal law.

(2) The following are the different scopes of practice for a licensee that will be recognized by the department:

(a) Radiography - the current version of the American society of radiologic technologists radiography practice standards;

(b) Radiation therapy - the current version of the American society of radiologic technologists radiation therapy practice standards;

(c) Nuclear medicine technology - the current version of the American society of radiologic technologists nuclear medicine practice standards or society of nuclear medicine and molecular imaging scope of practice for nuclear medicine technologist;

DRAFT

(d) Magnetic resonance technology - the current version of the American society of radiologic technologists magnetic resonance practice standards;

(e) Radiologist assistant - the current version of the American society of radiologic technologists radiologist assistant practice standards;

(f) Sonography - the current version of the American society of radiologic technologists sonography practice standards or the society of diagnostic medical sonography scope of practice and clinical standards for the diagnostic medical sonographer;

(g) Limited practice of radiography license or certificate of limited practice - the current version of the American society of radiologic technologists limited x-ray machine operator practice standards; or

(h) Computed Tomography-the current version of the American society of radiologic technologists computer tomography practice standards and the Society of Nuclear Medicine and Molecular Imaging.

B. Radiologist assistant. A radiologist assistant shall practice under the indirect supervision of a radiologist and shall not interpret images, render diagnoses, or prescribe medications or therapies.

[20.3.20.101 NMAC - N, 9/25/2018; A, 04/19/2022]

20.3.20.102 - 20.3.20.199 [RESERVED]

20.3.20.200 APPROVED EDUCATIONAL PROGRAMS:

A. Approved program for a medical imaging or radiation therapy license: An approved program for medical imaging or radiation therapy includes:

(1) an educational program in a medical imaging or radiation therapy modality that is programmatically accredited by an accreditation agency recognized by the USDE or the CHEA and also recognized by the board pursuant to 20.3.20.220 NMAC; or

(2) an educational program in a medical imaging or radiation therapy modality that is in the process of preparing for programmatic accreditation by an accreditation agency recognized by the USDE or CHEA and also recognized by the board pursuant to 20.3.20.220 NMAC. This programmatic accreditation by an accreditation agency must be attained within five years of the effective date of this section or within five years of the establishment of a new educational program.

B. Approved program for a limited practice in radiography license: A limited radiography program shall be reviewed by the MIRTAC and approved by the board before enrolling students into the educational program. Prior to approval of the educational program, the MIRTAC will consider if the program includes the necessary didactic and clinical education to prepare students for the state examination for a limited practice in radiography license prior to submitting its recommendations to the board. Before enrolling students or offering courses, including clinical instruction, a limited radiography program shall submit an application to the department with supporting documentation to show compliance with this section and alignment with national educational accreditation standards. No fee is required for the application and, if all requirements are met, the department shall issue a letter to the educational program confirming compliance with this section.

[20.3.20.200 NMAC - N, 9/25/2018]

20.3.20.201 - 20.3.20.219 [RESERVED]

20.3.20.220 RECOGNIZED PROGRAMMATIC ACCREDITATION ORGANIZATIONS:

A. Programmatic accreditation. To be recognized by the board, an educational program accreditation agency must:

(1) be recognized by the USDE or CHEA; and

(2) provide programmatic accreditation for the medical imaging or radiation therapy modality offered by the educational program.

B. Recognized programmatic accreditation organizations. Medical imaging or radiation therapy programmatic accreditation agencies recognized by the board include:

(1) CAAHEP;

(2) JRCERT; and

(3) JRCNMT.

[20.3.20.220 NMAC - N, 9/25/2018]

DRAFT

2**0.3.20.221 - 20.3.20.299 [RESERVED]**

2**0.3.20.300 RECOGNIZED CREDENTIALING ORGANIZATIONS:** The board recognizes the following medical imaging and radiation therapy credentialing organizations in each modality defined by the act including:

A. computed tomography:
- **(1)** ARRT[-];or
- **(2)** NMTCB.

B. diagnostic medical sonography:
- **(1)** ARDMS;
- **(2)** ARRT; or
- **(3)** CCI.

C. magnetic resonance imaging:
- **(1)** ARMRIT; or
- **(2)** ARRT.

D. nuclear medicine:
- **(1)** ARRT; or
- **(2)** NMTCB.

E. radiation therapy: ARRT.

F. radiography: ARRT.

[20.3.20.300 NMAC - N, 9/25/2018; A, xx/xx/2026]

2**0.3.20.301 RECOGNIZED CREDENTIALS AND CERTIFICATIONS:** The board recognizes the following medical imaging and radiation therapy credentials and certifications for each type of license issued by the department:

A. fusion imaging- restricted to PET/CT medical imaging procedures only:
- **(1)** (CNMT)(NMTCB) and (CT)(NMTCB);
- **(2)** R.T. (ARRT)(N) and (ARRT)(CT);
- **(3)** R.T. (ARRT)(N) and (NMTCB)(CT); or
- **(4)** R.T. (ARRT)(R) and (NMTCB)(PET).

B. cardiac sonography:
- **(1)** (CCI)(RCS);
- **(2)** (CCI)(RCCS); or
- **(3)** (ARDMS)(RDCS).

C. computed tomography:
- **(1)** R.T. (ARRT)(CT); or
- **(2)** NMTCB(CT)

D. general sonography:
- **(1)** RDMS (ARDMS)(AB);
- **(2)** RDMS (ARDMS)(BR);
- **(3)** RDMS (ARDMS)(OB);
- **(4)** R.T. (ARRT)(S); or
- **(5)** R.T. (ARRT)(BS).

E. limited radiography: none.

F. magnetic resonance imaging:
- **(1)** (ARMRIT)(RMRIT); or
- **(2)** R.T. (ARRT)(MR).

G. musculoskeletal sonography: (ARDMS)(RMSK).

H. nuclear medicine:
- **(1)** certified nuclear medicine technologist (NMTCB); or
- **(2)** nuclear medicine technology R.T. (ARRT)(N).

I. phlebology sonography: RPhS (CCI).

J. radiation therapy: R.T. (ARRT)(T).

K. radiography: R.T. (ARRT)(R).

L. radiology assistant: (ARRT)(RRA).

M. vascular sonography:
- **(1)** R.T. (ARRT)(VS);

DRAFT

(2) RVS (CCI); or

(3) RVT(ARDMS).

[20.3.20.301 NMAC - N, 9/25/2018; A, xx/xx/2026]

20.3.20.302 - 20.3.20.309 [RESERVED]

20.3.20.310 LIMITED PRACTICE OF RADIOGRAPHY LICENSE:

A. Limited practice in radiography. An individual seeking a license for the limited practice of radiography shall submit an application and applicable fee to the department, successfully complete an approved limited radiography program pursuant to Subsection B of 20.3.20.200 NMAC, and take and pass the state examination pursuant to Subsections D and E below. Individuals that are enrolled in an approved limited practice radiography program shall perform their required clinical radiography procedures under the direct supervision of a licensed physician or licensed radiographer. A licensee with a limited practice of radiography license shall 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 purposes in the practice of dentistry;

(4) axial/appendicular skeleton; or

(5) the foot, ankle, or lower leg.

B. Restrictions. A licensee with a limited practice of radiography license may not:

(1) perform procedures outside the areas of specialization authorized by or under the individual's license; or

(2) perform procedures outside their scope of practice including, but not limited to procedures involving the use of contrast media, fluoroscopic equipment, mammography, computed tomography, mobile or bedside radiography, diagnostic medical sonography, magnetic resonance imaging, nuclear medicine, or radiation therapy.

C. Emergency provision. A person having a valid limited practice of radiography license may perform diagnostic radiography procedures outside the normal scope of a limited practice of radiography license if the person is employed in an area having a federal designation as a medically underserved area and the person with the limited practice of radiography license is confronted with an emergency situation, where, by order of a licensed practitioner, a certified nurse practitioner or a registered physician assistant, the additional diagnostic radiography procedure is deemed medically necessary for the immediate safety or health of the patient.

D. Administration of state examinations. The department will not offer state examinations for medical imaging and radiation therapy professionals except for a limited practice of radiography licensee pursuant to Subsection E of this section. The department may administer and grade the limited practice of radiography examinations, though at its option, the department may contract for such preparation, administration, and grading services.

E. State examination for limited practice of radiography. An individual seeking a license for the limited practice of radiography must pass a state examination for limited practice of radiography. To apply for the state examination, the individual must:

(1) submit an examination application with supporting documentation to the department that the individual has:

(a) completed school through the 12th grade or has passed a high school equivalency examination; and

(b) successfully completed an approved limited radiography program in one or more of the body areas of specialization.

(2) submit the required examination fee to the department; and

(3) successfully complete a written or computerized examination administered by the department with a minimum score of seventy-five percent on both the core section and in each attempted body area section of the examination. At its option, the department may contract for such preparation, administration, and grading services for the limited practice of radiography examinations.

F. Failure of state examination for limited practice of radiography:

(1) If an applicant fails to achieve seventy-five percent on either the core section or a body area specialization section of the examination, it will be considered an examination failure and the applicant must retake the failed section or sections.

DRAFT

(2) The applicant must re-apply and pay the examination fee for each examination attempt.

(3) All sections of the examination taken on the same day are considered one examination attempt.

(4) An individual who attempts and fails the state-administered examination three times will be required to demonstrate to the department the successful completion of remedial education or training following the third attempt that is consistent with the ARRT standards before being eligible to retake the failed section or sections again.

[20.3.20.310 NMAC - N, 9/25/2018]

20.3.20.311 - 20.3.20.319 [RESERVED]

20.3.20.320 LICENSES:

A. Licensure Requirements. An applicant for a medical imaging or radiation therapy license shall submit the required application to the department; the applicable application fee located in 20.3.20.501 NMAC, and shall be currently certified and registered by a medical imaging or radiation therapy credentialing organization recognized by the board.

B. Registration number. The department shall assign a department registration number to each licensee regardless of the number of modalities and subspecialties licensed. The department registration number shall be listed on each certificate of licensure issued by the department.

C. Term for licenses issued prior to the 15th of the month. The license term for licenses issued prior to the 15th of the month will:

(1) be for 24 months;

(2) begin on the date the license is issued; and

(3) end on the last day of the month the license was issued.

D. Term for licenses issued after the 15th of the month. The license term for licenses issued after the 15th of the month will:

(1) be for 24 months;

(2) begin on the date the license is issued; and

(3) end on the last day of the month following the month the license was issued.

E. Request for coordination of license and credential expiration dates. At the written request of the licensee, the expiration date of their license or licenses may be reduced to match their current credentialing organization's expiration date. Such reduction in term shall not reduce the applicant or licensee's license fee.

F. Types of license. Upon demonstration of compliance with all applicable requirements of the act and this part, the department may grant one or more of the following types of licenses to be recognized by the department:

(1) (DMS) which includes sonography subspecialties of RDMS (ARDMS)(AB)(BR)(OB) and R.T. (ARRT)(S)(BS);

(2) (MSK);

(3) (FUS);

(4) (LXV);

(5) (LXE);

(6) (LXP);

(7) (LXT);

(8) (MRT);

(9) (NMT);

(10) (PBS);

(11) (PVL);

(12) (RTT);

(13) (RRT);

(14) (RRA);

(15) (TMP);

(16) (VS), which includes sonography subspecialties of (ARDMS)(RVT) and R.T. ARRT (VS);

(17) (CS) which includes RDCS (ARDMS), RCS (CCI), and RCCS (CCI); and

(18) (CT).

DRAFT

G. Certificate of licensure. Each certificate of licensure issued by the department shall identify all current licenses granted to the licensee.

[20.3.20.320 NMAC - N, 9/25/2018; A, 04/19/2022]

20.3.20.321 TEMPORARY LICENSES:

A. Temporary license. The purpose of a temporary license is to allow an individual who has completed an approved program pursuant to 20.3.20.200 NMAC to practice medical imaging or radiation therapy prior to sitting for their national examination with one of the medical imaging and radiation therapy credentialing organizations outlined in 20.3.20.300 NMAC. The department may grant a temporary license to practice medical imaging or radiation therapy to an individual who:

(1) provides documentation to the department that the individual has completed an approved program pursuant to 20.3.20.200 NMAC;

(2) submits an application for a temporary license to the department within one year of the individual's program completion date from an approved program;

(3) submits the applicable fees for a temporary license pursuant to Paragraph G of 20.3.20.501 NMAC to the department within one year of the program completion date from an approved program;

(4) provides the name and contact information of each employer where medical imaging or radiation therapy is performed by the individual; and

(5) meets all other applicable licensure requirements of the act and this part.

B. Notification. The individual will be required to notify the department of any changes to his or her employment by providing the department with the contact information for each new employer where medical imaging or radiation therapy is performed by the individual within thirty days after the change occurs.

C. Examination and notice.

(1) The department will recognize the credentialing organization's determination of what is considered a pass or fail for an individual's examination score.

(2) The individual shall notify the department of the date the individual plans to take the examination at least 30 days prior to the examination date.

(3) If the credentialing organization determines that an individual has failed his or her examination, the individual's active temporary license issued by the department will expire 90 days after the examination date. The individual will be required to notify the department of a failed examination within 30 days of receiving his or her examination results.

D. Temporary license term. A temporary license:

(1) expires on the last day of the 12th month from the date of issuance or upon the applicant's failure to pass the examination as outlined in Subsection B of this section; and

(2) may be granted only once and cannot be renewed or extended; however, a duplicate temporary certificate of licensure may be issued by the department for display at another place of employment upon submission of a duplicate certificate of licensure application and fee.

[20.3.20.321 NMAC - N, 9/25/2018]

20.3.20.322 PROVISIONAL LICENSES:

A. Provisional license. The department may grant a provisional license to practice medical imaging to an individual who:

(1) submits an application to the department; and

(2) follows training pathways established by one of the following recognized national certification organizations:

(a) ARRT;

(b) ARDMS;

(c) ARMRIT;

(d) CCI; or

(e) NMTCB.

B. License Term. A provisional license:

(1) expires two years from the date of issuance;

(2) may be renewed one time; and

(3) the one-time renewal must occur before the license term expires in order to ensure the individual's provisional license remains active for that provisional license's second and last license term.

DRAFT

C. Term for licenses issued prior to the 15th of the month. The license term for licenses issued prior to the 15th of the month will:

(1) be for 24 months;

(2) begin on the date the license is issued; and

(3) end on the last day of the month the license was issued.

D. Term for licenses issued after the 15th of the month. The license term for licenses issued after the 15th of the month will:

(1) be for 24 months;

(2) begin on the date the license is issued; and

(3) end on the last day of the month following the month the license was issued.

E. Applicability to licensee enrolled in an approved program. This section does not apply to a licensee who is currently enrolled in an approved program leading to qualification for another modality and subspecialty license.

F. A provisional license to practice medical imaging or radiation therapy utilizing ionizing radiation will not be issued to individuals who are not already licensed by the department in one of the modalities that utilizes ionizing radiation.

[20.3.20.322 NMAC - N, 9/25/2018; A, 04/19/2022]

20.3.20.323 - 20.3.20.329 [RESERVED]

20.3.20.330 CONTINUING EDUCATION:

A. Continuing education.

(1) During the license term, a limited practice of radiography licensee must complete 24 hours or credits of category A or A+ continuing education approved by a RCEEM recognized by the ARRT. Documentation of completion of the required continuing education must be submitted to the department with each renewal application.

(2) During the license term, a medical imaging, a radiation therapy, or a radiologist assistant licensee, other than a limited practice of radiography licensee, must comply with all continuing education, continuing competency, and registration requirements of the credentialing organization for which they hold a credential or certification. The department may require a licensee to certify meeting the credentialing organization's requirements. Failure to meet the credentialing organization's requirements may be grounds for suspension or revocation of a license. This does not apply to individuals with an active temporary license or with an active provisional license that has been issued by the department.

(3) The department may require a licensee to submit documentation from the credentialing organization if online verification is not available at the time the licensee's renewal request is being reviewed.

B. Audit. The department may audit a licensee's continuing education and continuing compliance with requirements of the act and this part. A licensee must submit the audit information requested by the department within 30 days of receipt of the notification of audit. No application or fees are required when submitting information requested by the department for an audit.

[20.3.20.330 NMAC - Rp, 20.3.20.500 NMAC, 9/25/2018; A, 04/19/2022]

20.3.20.331 - 20.3.20.339 [RESERVED]

20.3.20.340 DUTIES OF LICENSEE:

A. Continuing to comply with requirements. A licensee must:

(1) continue to comply with all licensure requirements of the act and this part throughout the license term;

(2) maintain credential or certification and registration in their licensed imaging modality and subspecialty, if applicable, throughout the licensure period or notify the department in writing within 30 days that a credential or certification is no longer being maintained;

(3) notify the department in writing within 30 days of any pending or final actions by a credentialing organization, state agency, or federal agency against the licensee; and

(4) notify the department in writing within 30 days of lapse, probation, suspension, or revocation of any professional license.

B. Expired, suspended, or revoked license. An individual whose license has expired, or has been suspended or revoked by the department, shall not perform medical imaging or radiation therapy procedures.

DRAFT

C. Duty to cooperate with department. An applicant or licensee has a duty to cooperate with the department during an investigation or inspection authorized under the act, this part, or other state or federal law.

D. Reporting violations. A licensee has a duty to report a violation of the act, this part, or other state or federal law to the department or other appropriate agency.

E. Supervision of students or licensees.

(1) A limited practice of radiography licensee shall only provide supervision of a limited practice of radiography student or licensee.

(2) A medical imaging or radiation therapy licensee may provide supervision to a medical imaging or radiation therapy student or licensee in the same modality and specialization as the licensee. A radiographer may provide supervision to a limited practice of radiography student or licensee.

[20.3.20.340 NMAC - N, 9/25/2018]

20.3.20.341 CERTIFICATE OF LICENSURE:

A. Display of certificate of licensure. Original certificates of licensure shall be publicly displayed by the licensee at each place of employment.

B. Photocopying or reproduction prohibited. Photocopying or other reproduction of a certificate of licensure is prohibited.

C. Duplicate certificate of licensure or replacement of certificate of licensure. To obtain a duplicate certificate of licensure or replacement of certificate of licensure, the licensee must submit a duplicate certificate of licensure or replacement certificate of licensure application and required fee to the department.

D. Legal Name Change. To obtain a replacement certificate of licensure due to a legal name change, the licensee must submit documentation of the legal name change, a name change application, and required fee to the department.

[20.3.20.341 NMAC - N, 9/25/2018]

20.3.20.342 - 20.3.20.399 [RESERVED]

20.3.20.400 RENEWAL, REINSTATEMENT, AND REAPPLICATION:

A. License renewal and reinstatement. A licensee is solely responsible for ensuring they maintain a current license. Failure to receive notification by the department prior to the expiration date of the license is not an excuse for failure to file a timely renewal application.

(1) Prior to the expiration date listed on the licensee's current certificate of licensure, a licensee must submit the biennial licensure fee and completed renewal application, including any requested supporting documents to the department.

(2) The department will not process an incomplete renewal application.

(3) The department will process completed applications in the order received.

(4) The department shall not renew a license until it is satisfied the license renewal applicant meets all requirements of the act and this part.

(5) All required items must be received by the department prior to the expiration date on the licensee's current certificate of licensure or else the renewal application shall be considered incomplete. The licensee's failure to submit a complete license renewal application will result in a reinstatement fee. An earlier postmark date shall not excuse the reinstatement fee.

(a) If a reinstatement fee is assessed and all other requirements for renewal are met, the department will issue an invoice to the licensee that will accompany the renewed certificate of licensure.

(b) If an applicant or licensee fails to pay the reinstatement fee within 30 days of the invoice date, the department may take action to suspend the license until the department has received the reinstatement fee.

B. Reapplication. Reapplication is required if a license has been expired for more than one year. An applicant for reapplication must meet all of the requirements contained in 20.3.20.320 NMAC.

[20.3.20.400 NMAC - Rp, 20.3.20.501 NMAC, 9/25/2018]

20.3.20.401 - 20.3.20.499 [RESERVED]

20.3.20.500 DEPARTMENT FORMS, CONFIDENTIALITY, AND RELEASE OF PERSONAL IDENTIFICATION:

A. Department forms required.

DRAFT

(1) An individual seeking licensure or any other services listed in this part shall submit a completed application form and applicable fee to the department.

(2) The department shall create and make available all necessary application forms.

(3) The department's forms may request such personal identification as is required to perform the department's duties under the act and this part including, but not limited to: name, mailing address, telephone numbers, email address, certifications, licenses, date of birth, and social security number.

(4) No application shall be complete unless it is on the form prescribed by the department and includes, in legible format:

(a) all required personal identification;

(b) copies of all supporting documents specified on the form;

(c) full payment of required fees by a method specified on the form; and

(d) date and signature of the applicant.

B. Confidentiality of personal identification. Personal identification collected by the department shall not be disclosed except:

(1) in the performance of the department's duties under the act or this part;

(2) as provided in this part or as required by state or federal law; or

(3) in response to a valid subpoena or court order.

C. Release of licensee personal identification. Unless otherwise provided by law, the department shall only release a licensee's name, mailing address, department registration number, and verification of license and subspecialty. The department may release information related to an application denial or license revocation or suspension to a credentialing organization. In accordance with federal law, the department shall release any required information related to revocation or suspension of a licensee to the national practitioner data bank. [20.3.20.500 NMAC - N, 9/25/2018]

20.3.20.501 FEES:

A. Application fee. In addition to any other fees, an application fee of $10.00 must be submitted with each type of application available from the department, unless otherwise provided in this part.

B. Initial license fee. An initial license fee of $100.00 must be submitted with each initial license application, regardless of the number of modality and subspecialty licenses requested on the same application.

C. Examination fee. An examination fee of $150.00 must be submitted with each examination application as required in 20.3.20.310 NMAC.

D. Biennial licensure fee. A biennial fee of $100.00 may be submitted to the department prior to the expiration date of the individual's current license issued by the department. The department will renew an individual's license upon submittal of the fee and the license will be valid for 24 months after the expiration date of their current license issued by the department.

E. License reinstatement fee. In addition to any other required fees, a license reinstatement fee of $25.00 must be submitted with a license reinstatement application or if a licensee fails to submit a complete renewal application before the expiration of a license.

F. Duplicate certificate of licensure or replacement of certificate of licensure fee. A fee of $5.00 will be required for each duplicate certificate of licensure or replacement of certificate of licensure requested in the application and a fee of $5.00 for each additional duplicate certificate of license or replacement of certificate of licensure ordered from all other application forms that provide the option to request additional original duplicate certificates of licensure or replacement of certificate of licensure.

G. Temporary license fee. A temporary license fee of $50.00 must be submitted with each temporary license application.

H. Provisional license fee. A provisional license fee of $25.00 must be submitted with a provisional license application.

I. License verification fee. A license verification fee of $10.00 for each verification must be submitted with each license verification form.

J. Legal name change fee. A legal name change fee of $15.00 must be submitted with each legal name change application.

K. Refunds. Fees submitted to the department are non-refundable and non-transferrable. However, if the department determines that fees have been received in excess of the amount legally due, the department will refund the excess amount portion of the received fee upon receipt of a written request from the individual who paid the excess fee amount, or that individual's legal representative.

DRAFT

L. Nonsufficient funds fee. If the department is unable to process the fees submitted by the applicant, then the name of that licensee will be removed from the list of all New Mexico active radiologic technologists, which appears on the New Mexico environment department's radiation control bureau website, and the department will assess a $25.00 nonsufficient fund fee. That licensee must submit payment to the department in the form of a cashiers' check or money order.

[20.3.20.501 NMAC - Rp, 20.3.20.600 NMAC, 9/25/2018]

20.3.20.502 - 20.3.20.599 [RESERVED]

20.3.20.600 DENIAL, REVOCATION, OR SUSPENSION OF LICENSE:

A. Denial of application. The department may not issue a license to an applicant who has failed to meet the requirements of the act or this part.

B. Suspension, revocation, application of uniform licensing act. The board, with advice from the advisory council, may deny, revoke, or suspend a license granted or applied for under the act and this part, pursuant to the procedures established in the Uniform Licensing Act Section 61-1-1 through 61-1-34 NMSA 1978, upon grounds that the medical imaging or radiation therapy licensee or applicant:

(1) is guilty of fraud or deceit in procuring or attempting to procure any type of license or service from the department;

(2) has been convicted of a felony subsequent to licensure;

(3) is unfit or incompetent;

(4) is habitually intemperate or is addicted to the use of habit-forming drugs;

(5) is mentally incompetent;

(6) has aided and abetted an individual who is not a licensee in engaging in the activities of a licensee;

(7) has failed to maintain a credential or certification in the modality and subspecialty for which a license was granted;

(8) has engaged in any practice beyond the licensee's scope of practice in violation of state or federal law or facility policy;

(9) is guilty of unprofessional conduct or unethical conduct as defined in Subsection C of this section;

(10) has interpreted a diagnostic imaging exam for a patient, a patient's family, or the public;

(11) has willfully or repeatedly violated any provisions of the act or this part;

(12) has failed to notify the department in writing within 30 days of any final disciplinary action by a licensing board or credentialing organization, including but not limited to sanction, probation, suspension, or revocation; or

(13) is not in compliance with the terms of the New Mexico Parental Responsibility Act, Section 40-5A-1 to 40-5A-13 NMSA 1978; in taking action under this provision, the board shall follow the procedures in 20.1.7 NMAC named "Parental Responsibility Act Compliance."

C. Unprofessional or unethical conduct. With respect to the grounds for denial, revocation, or suspension under Section 61-14E-11 NMSA 1978, the terms "unprofessional conduct" or "unethical conduct" shall refer to, but shall not be limited to any licensee, applicant, medical imaging professional, or radiation therapist who:

(1) is engaged in the practice of medical imaging or radiation therapy while in an intoxicated condition or under the influence of a narcotic or other drug that impairs consciousness, judgment, or behavior;

(2) is engaged in unethical conduct while practicing medical imaging or radiation therapy;

(3) has engaged in the willful falsification of records, or destruction or theft of property or records relating to the practice of medical imaging or radiation therapy;

(4) fails to exercise due regard for the safety of life or health of the patient;

(5) has unauthorized access to or disclosure of information relating to a patient's records;

(6) discriminates against any individual because of race, religion, creed, color, national origin, sex, or sex while practicing medical imaging or radiation therapy;

(7) has been convicted of a felony subsequent to licensure by the department;

(8) impersonates a current or former licensee or engages in the activities of medical imaging or radiation therapy under an assumed name;

(9) is applying ionizing or non-ionizing radiation to a human being without a specific prescription or direction of a licensed practitioner or other health care practitioner authorized to order a medical imaging or radiation therapy;

DRAFT

(10) is incompetent or negligent in activities related to medical imaging, radiation therapy, or limited practice of radiography;

(11) is continuing to practice without obtaining a license or renewal as required by the act or this part;

(12) is using the prefix "Dr.", unless entitled to do so pursuant to a degree granted, the word "doctor", or any suffix or affix to indicate or imply that the individual is a licensed practitioner when not so licensed;

(13) is providing false, misleading, or deceptive information on any application or supporting documents submitted to the department;

(14) is failing to conform to nationally recognized practice standards as applicable to each modality or subspecialty;

(15) fails to disclose in writing to the department any felony conviction or non-compliance with the New Mexico Parental Responsibility Act, Section 40-5A-1 to 40-5A-13 NMSA 1978, within 30 days of the conviction or judgment; or

(16) fails to disclose in writing to the department any sanction, probation, suspension, or revocation by a state agency or credentialing organization within 30 days of such occurrence.

D. Opportunity for licensee or applicant to have a hearing. Any licensee or applicant whose license or license application is denied, revoked, or suspended under this part shall be afforded notice and an opportunity to be heard pursuant to the procedures established in the Uniform Licensing Act, Sections 61-1-1 to -34 NMSA 1978, the Medical Imaging and Radiation Therapy Health and Safety Act, Section 61-14E-11 NMSA 1978, and the adjudicatory procedures for the environmental improvement board in 20.1.2 NMAC.

E. Application of uniform licensing act. The department shall comply with the provisions of the Uniform Licensing Act, Section 61-1-1 to 61-1-34 NMSA 1978, and any rules or regulations promulgated thereunder.

[20.3.20.600 NMAC - Rp, 20.3.20.400 NMAC, 9/25/2018]

20.3.20.601 - 20.3.20.699 [RESERVED]

20.3.20.700 SEVERABILITY: If any provision or application of this part is held invalid, the remainder, or its application to other situations or persons, shall not be affected.

[20.3.20.700 NMAC - Rp, 20.3.20.700 NMAC, 9/25/2018]

20.3.20.701 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This part shall be construed as amending and superseding the regulations on the practice of medical imaging or radiation therapy, EIB/MRHSA 1, filed January 11, 1988, as amended. All references to the regulations on the practice of medical imaging or radiation therapy in any other rule shall be construed as a reference to this part.

[20.3.20.701 NMAC - Rp, 20.3.20.701 NMAC, 9/25/2018]

20.3.20.702 SAVING CLAUSE: Supersession of the regulations on the practice of medical imaging or radiation therapy shall not affect any administrative or judicial enforcement action pending on the effective date of this part nor the validity of any license granted or certificate of licensure issued pursuant to the regulations on the practice of medical imaging or radiation therapy.

[20.3.20.702 NMAC - Rp, 20.3.20.702 NMAC, 9/25/2018]

20.3.20.703 CONSTRUCTION: This part shall be liberally construed to effectuate the purpose of the act.

[20.3.20.703 NMAC - Rp, 20.3.20.703 NMAC, 9/25/2018]

20.3.20.704 COMPLIANCE WITH OTHER REGULATIONS: Compliance with this part does not relieve an individual from the obligation to comply with other applicable state and federal regulations.

[20.3.20.704 NMAC - Rp, 20.3.20.704 NMAC, 9/25/2018]

HISTORY OF 20.3.20 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives. EIB/MRHSA 1, Regulations on the Practice of Radiologic Technology, 11/11/1988.

DRAFT

History of repealed material: 20 NMAC 3.2, Radiologic Technology Certification, (filed 12/15/1995), repealed 8/31/2005.
20.3.20 NMAC, Radiologic Technology Certification, effective 8/31/2005, repealed 9/25/2018.

Other History:
EIB/MRHSA 1, Regulations on the Practice of Radiologic Technology (filed 11/11/1988) was renumbered, reformatted and amended as 20 NMAC 3.2, Radiologic Technology Certification, effective 1/14/1996.
20 NMAC 3.2, Radiologic Technology Certification, (filed 12/15/1995) was replaced by 20.3.20, Radiologic Technology Certification, effective 8/31/2005.
20.3.20 NMAC Radiologic Technology Certification, effective 8/31/2005, was replaced by 20.3.20, Medical Imaging and Radiation Therapy Licensure, effective 9/25/2018

DRAFT