

The Legislature  
of the  
State of New Mexico

51st Legislature, 1st Session

LAWS 2013

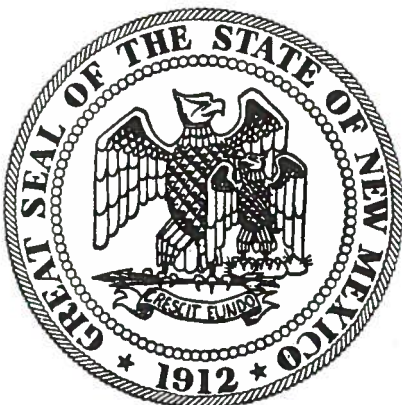
CHAPTER \_\_\_\_\_

HOUSE BILL 260, as amended

~~POCKET VETOED~~

Introduced by

REPRESENTATIVE EMILY KANE AND REPRESENTATIVE PATRICIA ROYBAL CABALLERO  
AND REPRESENTATIVE SHERYL WILLIAMS STAPLETON



REPRESENTATIVE BRIAN F. EGOLF  
REPRESENTATIVE JEFF STEINBORN  
REPRESENTATIVE JAMES ROGER MADALENA  
REPRESENTATIVE DEBBIE A. RODELLA  
REPRESENTATIVE NATHAN "NATE" COTE  
REPRESENTATIVE ANTONIO "MOE" MAESTAS  
REPRESENTATIVE JIM R. TRUJILLO  
REPRESENTATIVE CHRISTINE TRUJILLO  
REPRESENTATIVE RICK MIERA

1 AN ACT

2 RELATING TO HEALTH CARE; AMENDING THE MEDICAL IMAGING AND  
3 RADIATION THERAPY HEALTH AND SAFETY ACT TO EXEMPT EXPANDED  
4 PRACTICE DOCTORS OF ORIENTAL MEDICINE PERFORMING DIAGNOSTIC  
5 MUSCULOSKELETAL ULTRASOUND OR MUSCULOSKELETAL ULTRASOUND  
6 PROCEDURE GUIDANCE FROM MEDICAL IMAGING LICENSURE REQUIREMENTS  
7 AND TO PROVIDE LIMITED AUTHORIZATION FOR REGISTERED NURSES AND  
8 CERTIFIED NURSE-MIDWIVES TO PERFORM CERTAIN ULTRASOUND  
9 PROCEDURES.

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

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

18 B. "board" means the environmental improvement  
19 board;

20 C. "certificate of limited practice" means a  
21 certificate issued pursuant to the Medical Imaging and  
22 Radiation Therapy Health and Safety Act to persons who perform  
23 restricted diagnostic radiography under direct supervision of  
24 a licensed practitioner limited to the following specific  
25 procedures:

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

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

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

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

18 G. "department" means the department of  
19 environment;

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

24 I. "division" means the environmental health  
25 bureau of the field operations and infrastructure division of

1 the department;

2 J. "expanded practice doctor of oriental medicine"  
3 means a doctor of oriental medicine certified in expanded  
4 practice pursuant to Section 61-14A-8.1 NMSA 1978;

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

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

15 M. "licensed practitioner" means a person licensed  
16 to practice medicine, dentistry, podiatry, chiropractic or  
17 osteopathy in this state;

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

22 O. "magnetic resonance technologist" means a  
23 person other than a licensed practitioner who performs  
24 magnetic resonance procedures under the supervision of a  
25 licensed practitioner using magnetic fields and radio

1 frequency signals;

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

5 Q. "medical imaging modality" means:

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

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

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

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

14 (5) radiography and all of its  
15 subspecialties;

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

21 S. "non-ionizing radiation" means the static and  
22 time-varying electric and magnetic fields and radio frequency,  
23 including microwave radiation and ultrasound;

24 T. "nuclear medicine technologist" means a person  
25 other than a licensed practitioner who applies

1 radiopharmaceutical agents to humans for diagnostic or  
2 therapeutic purposes under the direction of a licensed  
3 practitioner;

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

6 V. "radiation therapy" means the application of  
7 ionizing radiation to humans for therapeutic purposes;

8 W. "radiation therapy technologist" means a person  
9 other than a licensed practitioner whose application of  
10 radiation to humans is for therapeutic purposes;

11 X. "radiographer" means a person other than a  
12 licensed practitioner whose application of radiation to humans  
13 is for diagnostic purposes;

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

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

24 AA. "radiologist assistant" means an individual  
25 licensed as a radiographer as defined in the Medical Imaging

1 and Radiation Therapy Health and Safety Act who holds  
2 additional certification as a registered radiologist assistant  
3 by the American registry of radiologic technologists and who  
4 works under the supervision of a radiologist; provided that a  
5 radiologist assistant shall not interpret images, render  
6 diagnoses or prescribe medications or therapies."

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

9 "61-14E-7. LICENSURE--EXCEPTIONS.--

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

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

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

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

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

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

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

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



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

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

11 E. Notwithstanding any other provision of the  
12 Medical Imaging and Radiation Therapy Health and Safety Act,  
13 the requirement of a license shall not apply to an expanded  
14 practice doctor of oriental medicine performing diagnostic  
15 musculoskeletal ultrasound or musculoskeletal ultrasound  
16 procedure guidance.

17 F. The department shall adopt rules and  
18 regulations for the education and licensure of advanced  
19 medical imaging professionals.

20 G. The department may require students in medical  
21 imaging and radiation therapy educational programs to register  
22 with the department while enrolled in an approved education  
23 program.

24 H. A registered nurse or a certified nurse-midwife  
25 shall not perform ionizing procedures, including radiography,

1 radiation therapy, nuclear medicine or a non-ionizing magnetic  
2 resonance procedure, unless licensed by the department as a  
3 medical imaging professional. Nothing in the Medical Imaging  
4 and Radiation Therapy Health and Safety Act shall affect the  
5 authority of a health care professional licensed pursuant to  
6 Chapter 24 or Chapter 61 NMSA 1978 to order or use images  
7 resulting from ionizing or non-ionizing procedures in  
8 accordance with the licensed health care professional's scope  
9 of practice."

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S/ W. KEN MARTINEZ  
W. KEN MARTINEZ, SPEAKER  
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HOUSE OF REPRESENTATIVES

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JOHN A. SANCHEZ, PRESIDENT  
SENATE

S/ LENORE M. NARANJO  
LENORE M. NARANJO, CHIEF CLERK  
SENATE

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2013

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SUSANA MARTINEZ, GOVERNOR  
STATE OF NEW MEXICO

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