

By: Holland

To: Public Health and
Welfare

HOUSE BILL NO. 291
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 41-58-1 THROUGH 41-58-5, MISSISSIPPI
2 CODE OF 1972, WHICH PROVIDE DEFINITIONS FOR RADIOLOGIC TECHNOLOGY
3 AND ESTABLISH THE MEDICAL RADIATION ADVISORY COUNCIL, REGISTRATION
4 REQUIREMENTS FOR RADIOLOGIC TECHNOLOGISTS, AND REQUIREMENTS FOR
5 CONTINUING EDUCATION, TO EXTEND THE REPEALER ON THESE SECTIONS;
6 AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 41-58-1, Mississippi Code of 1972, is
9 amended as follows:

10 41-58-1. As used in this chapter:

11 (a) "Department" means the Mississippi State Department
12 of Health.

13 (b) "Licensed practitioner" means a person licensed or
14 otherwise authorized by law to practice medicine, dentistry,
15 chiropractic, osteopathy or podiatry, or a licensed nurse
16 practitioner.

17 (c) "Ionizing radiation" means x-rays and gamma rays,
18 alpha and beta particles, high speed electrons, neutrons and other
19 nuclear particles.

20 (d) "X-radiation" means penetrating electromagnetic
21 radiation with wavelengths shorter than ten (10) nanometers
22 produced by bombarding a metallic target with fast electrons in a
23 vacuum.

24 (e) "Supervision" means responsibility for, and control
25 of, quality radiation safety and protection, and technical aspects
26 of the application of ionizing radiation to human beings for
27 diagnostic and/or therapeutic purposes.

28 (f) "Medical radiation technology" means the science

29 and art of applying ionizing radiation to human beings for
30 diagnostic and/or therapeutic purposes. The three (3) specialized
31 disciplines of medical radiation technology are diagnostic
32 radiologic technology, nuclear medicine technology and radiation
33 therapy.

34 (g) "Radiologic technologist" means a person other than
35 a licensed practitioner who has passed a national certification
36 examination such as the American Registry of Radiologic
37 Technologists examination or its equivalent, who applies
38 x-radiation or ionizing radiation to any part of the human body
39 for diagnostic purposes.

40 (h) "Nuclear medicine technologist" means a person
41 other than a licensed practitioner who has passed a national
42 certification examination such as the American Registry of
43 Radiologic Technologists examination or the Nuclear Medicine
44 Technology Certification Board examination or its equivalent, who
45 performs in vivo imaging and measurement procedures and in vitro
46 nonimaging laboratory studies, prepares radiopharmaceuticals, and
47 administers diagnostic/therapeutic doses of radiopharmaceuticals
48 to human beings while under the supervision of a licensed
49 practitioner who is licensed to possess and use radioactive
50 material.

51 (i) "Radiation therapist" means a person other than a
52 licensed practitioner who has passed a national certification
53 examination such as the American Registry of Radiologic
54 Technologists examination or its equivalent, who applies
55 x-radiation and the ionizing radiation emitted from particle
56 accelerators, cobalt sixty (60) units and sealed sources of
57 radioactive material to human beings for therapeutic purposes
58 while under the supervision of a licensed radiation oncologist or
59 a board certified radiologist who is licensed to possess and use
60 radioactive material.

61 (j) "Council" means the Medical Radiation Advisory

62 Council created pursuant to Section 41-58-3.

63 This section shall stand repealed on July 1, 2006.

64 SECTION 2. Section 41-58-3, Mississippi Code of 1972, is
65 amended as follows:

66 41-58-3. (1) The department shall have full authority to
67 adopt such rules and regulations not inconsistent with the laws of
68 this state as may be necessary to effectuate the provisions of
69 this chapter, and may amend or repeal the same as may be necessary
70 for such purposes.

71 (2) There shall be established a Medical Radiation Advisory
72 Council to be appointed as provided in this section. The council
73 shall consist of ten (10) members as follows:

74 (a) One (1) radiologist who is an active practitioner
75 and member of the Mississippi Radiological Society;

76 (b) One (1) licensed family physician;

77 (c) One (1) licensed practitioner;

78 (d) Two (2) registered radiologic technologists;

79 (e) One (1) nuclear medicine technologist;

80 (f) One (1) radiation therapist;

81 (g) One (1) limited radiologic technician;

82 (h) One (1) radiation physicist;

83 (i) One (1) hospital administrator; and

84 (j) The State Health Officer, or his designee, who
85 shall serve as ex officio chairman with no voting authority.

86 (3) The department shall, following the recommendations from
87 the appropriate professional state societies and organizations,
88 including the Mississippi Radiological Society, the Mississippi
89 Society of Radiologic Technologists, and the Mississippi State
90 Nuclear Medicine Society, and other nominations that may be
91 received from whatever source, appoint the members of the council
92 as soon as possible after the effective date of subsections (2)
93 and (3) of this section. Any person serving on the council who is
94 a practitioner of a profession or occupation required to be

95 licensed, credentialed or certified in the state shall be a holder
96 of an appropriate license, credential or certificate issued by the
97 state. All members of the council shall be residents of the State
98 of Mississippi. The council shall promulgate such rules and
99 regulations by which it shall conduct its business. Members of
100 the council shall receive no salary for services performed on the
101 council but may be reimbursed for their reasonable and necessary
102 actual expenses incurred in the performance of the same, from
103 funds provided for such purpose. The council shall assist and
104 advise the department in the development of regulations and
105 standards to effectuate the provisions of this chapter.

106 (4) A radiologic technologist, nuclear medicine technologist
107 or radiation therapist shall not apply ionizing or x-radiation or
108 administer radiopharmaceuticals to a human being or otherwise
109 engage in the practice of medical radiation technology unless the
110 person possesses a valid registration issued under the provisions
111 of this chapter.

112 (5) The department may issue a temporary registration to
113 practice a specialty of medical radiation technology to any
114 applicant who has completed an approved program, who has complied
115 with the provisions of this chapter, and is awaiting examination
116 for that specialty. This registration shall convey the same
117 rights as the registration for which the applicant is awaiting
118 examination and shall be valid for one (1) six-month period.

119 (6) The department may charge a registration fee of not more
120 than Twenty-five Dollars (\$25.00) annually to each person to whom
121 it issues a registration under the provisions of this chapter.

122 (7) Registration is not required for:

123 (a) A student enrolled in and participating in an
124 approved course of study for diagnostic radiologic technology,
125 nuclear medicine technology or radiation therapy, who as a part of
126 his clinical course of study applies ionizing radiation to a human
127 being while under the supervision of a licensed practitioner,

128 registered radiologic technologist, registered nuclear medicine
129 technologist or registered radiation therapist;

130 (b) Laboratory personnel who use radiopharmaceuticals
131 for in vitro studies;

132 (c) A dental hygienist or a dental assistant who is not
133 a radiologic technologist, nuclear medicine technologist or
134 radiation therapist, who possesses a radiology permit issued by
135 the Board of Dental Examiners and applies ionizing radiation under
136 the specific direction of a licensed dentist;

137 (d) A chiropractic assistant who is not a radiologic
138 technologist, nuclear medicine technologist or radiation
139 therapist, who possesses a radiology permit issued by the Board of
140 Chiropractic Examiners and applies ionizing radiation under the
141 specific direction of a licensed chiropractor;

142 (e) An individual who is not a radiologic technologist,
143 nuclear medicine technologist or radiation therapist, who
144 possesses a radiology permit issued by the Board of Medical
145 Licensure and applies ionizing radiation in a physician's office
146 or a radiology clinic under the specific direction of a licensed
147 physician; and

148 (f) An individual who is not a radiologic technologist,
149 nuclear medicine technologist or radiation therapist, who is
150 employed by a licensed hospital in Mississippi and applies
151 ionizing radiation under the specific direction of a licensed
152 practitioner.

153 (8) Nothing in this chapter is intended to limit, preclude,
154 or otherwise interfere with the practices of a licensed
155 practitioner who is duly licensed or registered by the appropriate
156 agency of the State of Mississippi, provided that the agency
157 specifically recognizes that the procedures covered by this
158 chapter are within the scope of practice of the licensee or
159 registrant.

160 (9) (a) If any radiologic technologist, nuclear medicine

161 technologist or radiation therapist violates any provision of this
162 chapter, the department shall suspend or revoke the registration
163 and practice privileges of the person, in accordance with
164 statutory procedures and rules and regulations of the department.

165 (b) If any person violates any provision of this
166 chapter, the department shall issue a written warning to the
167 licensed practitioner or medical institution that employs the
168 person; and if that person violates any provision of this chapter
169 again within three (3) years after the first violation, the
170 department may suspend or revoke the permit or registration for
171 the x-radiation and ionizing radiation equipment of the licensed
172 practitioner or medical institution that employs the person, in
173 accordance with statutory procedures and rules and regulations of
174 the department regarding suspension and revocation of such permits
175 or registrations.

176 (10) This section shall stand repealed on July 1, 2006.

177 SECTION 3. Section 41-58-5, Mississippi Code of 1972, is
178 amended as follows:

179 41-58-5. (1) Each registered radiologic technologist,
180 registered nuclear medicine technologist and registered radiation
181 therapist shall submit evidence to the department of completing
182 twenty-four (24) hours of continuing education in a two-year
183 period as described in the rules and regulations of the
184 department.

185 (2) From and after July 1, 1997, each individual who is
186 exempt from registration under paragraph (d), (e) or (f) of
187 Section 41-58-3(7) shall complete twelve (12) hours of continuing
188 education in a two-year period as described in the rules and
189 regulations of the department. Six (6) of the continuing
190 education hours must be in radiologic protection.

191 (3) (a) An individual who is exempt from registration under
192 paragraph (d), (e) or (f) of Section 41-58-3(7) and who is engaged
193 in applying ionizing radiation in the State of Mississippi before

194 July 1, 1996, shall complete twelve (12) hours of continuing
195 education in radiologic technology and patient safety not later
196 than July 1, 1997.

197 (b) An individual who is exempt from registration under
198 paragraph (d), (e) or (f) of Section 41-58-3(7) and who is first
199 employed to apply ionizing radiation in the State of Mississippi
200 after June 30, 1996, shall complete twelve (12) hours of
201 continuing education in radiologic technology and patient safety
202 not later than twelve (12) months after the date of his employment
203 to apply ionizing radiation.

204 (c) Not later than July 1, 1996, the department shall
205 approve training sessions that will provide the continuing
206 education required under this subsection (3). During the period
207 from July 1, 1996, through June 30, 1997, the department shall
208 approve not less than four (4) training sessions in each of the
209 junior/community college districts in the state, with at least one
210 (1) training session being held during each quarter of the year.

211 (4) (a) Beginning on August 1, 1997, the Board of Dental
212 Examiners shall annually provide the department with a list
213 certifying those dental hygienists and dental assistants who are
214 exempt from registration under paragraph (c) of Section
215 41-58-3(7).

216 (b) Beginning on August 1, 1997, the Board of
217 Chiropractic Examiners shall provide the department with a list
218 certifying those chiropractic assistants who are exempt from
219 registration under paragraph (d) of Section 41-58-3(7) who have
220 completed the continuing education requirements of subsections (2)
221 and (3) of this section.

222 (c) Beginning on August 1, 1997, the Board of Medical
223 Licensure shall provide the department with a list certifying
224 those individuals who are exempt from registration under paragraph
225 (e) of Section 41-58-3(7) who have completed the continuing
226 education requirements of subsections (2) and (3) of this section.

227 (d) Beginning on August 1, 1997, each licensed hospital
228 in Mississippi that employs any individual who is exempt from
229 registration under paragraph (f) of Section 41-58-3(7) shall
230 provide the department with a list certifying those individuals
231 who have completed the continuing education requirements of
232 subsections (2) and (3) of this section.

233 (e) Not less frequently than once every six (6) months
234 after August 1, 1997, the Board of Chiropractic Examiners, the
235 Board of Medical Licensure and each licensed hospital subject to
236 paragraph (d) of this subsection (4) shall provide the department
237 with updated lists certifying those individuals who have completed
238 the continuing education requirements of subsections (2) and (3)
239 of this section.

240 (f) Beginning on August 1, 1997, the Board of
241 Chiropractic Examiners and the Board of Medical Licensure each may
242 charge a fee of not more than Twenty-five Dollars (\$25.00)
243 biennially to each individual whom the board certifies as having
244 completed the continuing education requirements of subsections (2)
245 and (3) of this section.

246 (5) This section shall stand repealed on July 1, 2006.

247 SECTION 4. This act shall take effect and be in force from
248 and after July 1, 2000.