

By: Senator(s) Nunnelee

To: Public Health and Welfare

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2365

1 AN ACT TO AMEND SECTIONS 41-58-1, 41-58-3 AND 41-58-5,  
2 MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALERS ON  
3 THOSE STATUTES PROVIDING FOR THE LICENSURE OF MEDICAL RADIATION  
4 TECHNOLOGISTS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-58-1, Mississippi Code of 1972, is  
7 amended as follows:

8 41-58-1. As used in this chapter:

9 (a) "Department" means the Mississippi State Department  
10 of Health.

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

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

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

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

26 (f) "Medical radiation technology" means the science  
27 and art of applying ionizing radiation to human beings for  
28 diagnostic and/or therapeutic purposes. The three (3) specialized

29 disciplines of medical radiation technology are diagnostic  
30 radiologic technology, nuclear medicine technology and radiation  
31 therapy.

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

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

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

59 (j) "Council" means the Medical Radiation Advisory  
60 Council created pursuant to Section 41-58-3.

61 This section shall stand repealed on July 1, 2010.

62           **SECTION 2.** Section 41-58-3, Mississippi Code of 1972, is  
63 amended as follows:

64           41-58-3. (1) The department shall have full authority to  
65 adopt such rules and regulations not inconsistent with the laws of  
66 this state as may be necessary to effectuate the provisions of  
67 this chapter, and may amend or repeal the same as may be necessary  
68 for such purposes.

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

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

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

75                   (c) One (1) licensed practitioner;

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

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

78                   (f) One (1) radiation therapist;

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

80                   (h) One (1) radiation physicist;

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

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

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

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

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

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

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

120 (7) Registration is not required for:

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

128           (b) Laboratory personnel who use radiopharmaceuticals  
129 for in vitro studies;

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

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

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

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

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

158           (9) (a) If any radiologic technologist, nuclear medicine  
159 technologist or radiation therapist violates any provision of this  
160 chapter, the department shall suspend or revoke the registration

161 and practice privileges of the person, in accordance with  
162 statutory procedures and rules and regulations of the department.

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

174 (10) This section shall stand repealed on July 1, 2010.

175 **SECTION 3.** Section 41-58-5, Mississippi Code of 1972, is  
176 amended as follows:

177 41-58-5. (1) Each registered radiologic technologist,  
178 registered nuclear medicine technologist and registered radiation  
179 therapist shall submit evidence to the department of completing  
180 twenty-four (24) hours of continuing education in a two-year  
181 period as described in the rules and regulations of the  
182 department.

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

189 (3) (a) An individual who is exempt from registration under  
190 paragraph (d), (e) or (f) of Section 41-58-3(7) and who is engaged  
191 in applying ionizing radiation in the State of Mississippi before  
192 July 1, 1996, shall complete twelve (12) hours of continuing

193 education in radiologic technology and patient safety not later  
194 than July 1, 1997.

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

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

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

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

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

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

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

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

244           (5) This section shall stand repealed on July 1, 2010.

245           **SECTION 4.** This act shall take effect and be in force from  
246 and after June 30, 2006.