

By: Senator(s) Nunnelee

To: Public Health and Welfare

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, 2011.

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, 2011.

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, 2011.

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