

## House Amendments to Senate Bill No. 2123

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

25           41-58-1. As used in this chapter:

26                   (a) "Department" means the Mississippi State Department  
27 of Health.

28                   (b) "Licensed practitioner" means a person licensed or  
29 otherwise authorized by law to practice medicine, dentistry,  
30 chiropractic, osteopathy or podiatry, or a licensed nurse  
31 practitioner or physician assistant.

32                   (c) "Ionizing radiation" means x-rays and gamma rays,  
33 alpha and beta particles, high speed electrons, neutrons and other  
34 nuclear particles.

35                   (d) "X-radiation" means penetrating electromagnetic  
36 radiation with wavelengths shorter than ten (10) nanometers  
37 produced by bombarding a metallic target with fast electrons in a  
38 vacuum.

39           (e) "Supervision" means responsibility for, and control  
40 of, quality radiation safety and protection, and technical aspects  
41 of the application of ionizing radiation to human beings for  
42 diagnostic and/or therapeutic purposes.

43           (f) "Medical radiation technology" means the science  
44 and art of applying ionizing radiation to human beings for  
45 diagnostic and/or therapeutic purposes. The four (4) specialized  
46 disciplines of medical radiation technology are diagnostic  
47 radiologic technology, nuclear medicine technology, radiation  
48 therapy and limited x-ray machine operator.

49           (g) "Radiologic technologist" means a person other than  
50 a licensed practitioner who has passed a national certification  
51 examination recognized by the department such as the American  
52 Registry of Radiologic Technologists examination or its  
53 equivalent, who applies x-radiation or ionizing radiation to any  
54 part of the human body for diagnostic purposes and includes the  
55 administration of parenteral and enteral contrast media and  
56 administration of other medications or procedures incidental to  
57 radiologic examinations.

58           (h) "Nuclear medicine technologist" means a person  
59 other than a licensed practitioner who has passed a national  
60 certification examination recognized by the department such as the  
61 American Registry of Radiologic Technologists examination or the  
62 Nuclear Medicine Technology Certification Board examination or its  
63 equivalent, who performs in vivo imaging and measurement  
64 procedures and in vitro nonimaging laboratory studies, prepares

65 radiopharmaceuticals, and administers diagnostic/therapeutic doses  
66 of radiopharmaceuticals and administers other medications or  
67 procedures incidental for nuclear medicine exams to human beings  
68 while under the supervision of a licensed practitioner who is  
69 licensed to possess and use radioactive material. A certified  
70 nuclear medicine technologist also may perform diagnostic CT exams  
71 on hybrid equipment for diagnostic purposes, including the  
72 administration of parenteral and enteral contrast media and  
73 administration of other medications or procedures incidental to CT  
74 exams. Certified nuclear medicine technologists who perform CT  
75 scans must be certified in CT by the American Registry of  
76 Radiologic Technologists, the Nuclear Medicine Technology  
77 Certification Board, or other CT certifying body. A certified  
78 nuclear medicine technologist may do on-the-job training on hybrid  
79 equipment provided that the certified nuclear medicine  
80 technologist is supervised by a certified technologist and obtains  
81 a CT certification within six (6) months of that training.

82 (i) "Radiation therapist" means a person other than a  
83 licensed practitioner who has passed a national certification  
84 examination recognized by the department such as the American  
85 Registry of Radiologic Technologists examination or its  
86 equivalent, who applies x-radiation and the ionizing radiation  
87 emitted from particle accelerators, cobalt sixty (60) units and  
88 sealed sources of radioactive material to human beings for  
89 therapeutic purposes while under the supervision of a licensed

90 radiation oncologist or a board certified radiologist who is  
91 licensed to possess and use radioactive material.

92 (j) "Limited x-ray machine operator" means a person  
93 other than a licensed practitioner or radiologic technologist who  
94 is issued a permit by the State Board of Medical Licensure to  
95 perform medical radiation technology limited to specific  
96 radiographic procedures on certain parts of the human anatomy,  
97 specifically the chest, abdomen and skeletal structures, and  
98 excluding fluoroscopic, both stationary and mobile (C-arm), and  
99 contrast studies, computed tomography, nuclear medicine, radiation  
100 therapy studies and mammography.

101 (k) "Council" means the Medical Radiation Advisory  
102 Council created under Section 41-58-3.

103 This section shall stand repealed on July 1, \* \* \* 2018.

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

106 41-58-3. (1) The department shall have full authority to  
107 adopt such rules and regulations not inconsistent with the laws of  
108 this state as may be necessary to effectuate the provisions of  
109 this chapter, and may amend or repeal the same as may be necessary  
110 for such purposes.

111 (2) There shall be established a Medical Radiation Advisory  
112 Council to be appointed as provided in this section. The council  
113 shall consist of nine (9) members as follows:

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

- 116 (b) One (1) licensed family physician;  
117 (c) One (1) licensed practitioner;  
118 (d) Two (2) registered radiologic technologists;  
119 (e) One (1) nuclear medicine technologist;  
120 (f) One (1) radiation therapist;  
121 (g) One (1) radiation physicist;  
122 (h) One (1) hospital administrator; and  
123 (i) The State Health Officer, or his designee, who  
124 shall serve as ex officio chairman with no voting authority.

125 (3) The department shall, following the recommendations from  
126 the appropriate professional state societies and organizations,  
127 including the Mississippi Radiological Society, the Mississippi  
128 Society of Radiologic Technologists, and the Mississippi State  
129 Nuclear Medicine Society, and other nominations that may be  
130 received from whatever source, appoint the members of the council  
131 as soon as possible after the effective date of subsections (2)  
132 and (3) of this section. Any person serving on the council who is  
133 a practitioner of a profession or occupation required to be  
134 licensed, credentialed or certified in the state shall be a holder  
135 of an appropriate license, credential or certificate issued by the  
136 state. All members of the council shall be residents of the State  
137 of Mississippi. The council shall promulgate such rules and  
138 regulations by which it shall conduct its business. Members of  
139 the council shall receive no salary for services performed on the  
140 council but may be reimbursed for their reasonable and necessary  
141 actual expenses incurred in the performance of the same, from

142 funds provided for such purpose. The council shall assist and  
143 advise the department in the development of regulations and  
144 standards to effectuate the provisions of this chapter.

145 (4) A radiologic technologist, nuclear medicine technologist  
146 or radiation therapist shall not apply ionizing or x-radiation or  
147 administer radiopharmaceuticals to a human being or otherwise  
148 engage in the practice of medical radiation technology unless the  
149 person possesses a valid registration issued by the department  
150 under the provisions of this chapter.

151 (5) The department may issue a temporary registration to  
152 practice a specialty of medical radiation technology to any  
153 applicant who has completed an approved program, who has complied  
154 with the provisions of this chapter, and is awaiting examination  
155 for that specialty. This registration shall convey the same  
156 rights as the registration for which the applicant is awaiting  
157 examination and shall be valid for one (1) six-month period.

158 (6) The department may charge a registration fee of not more  
159 than Fifty Dollars (\$50.00) biennially to each person to whom it  
160 issues a registration under the provisions of this chapter.

161 (7) Registration with the department is not required for:

162 (a) A student enrolled in and participating in an  
163 accredited course of study approved by the department for  
164 diagnostic radiologic technology, nuclear medicine technology or  
165 radiation therapy, who as a part of his clinical course of study  
166 applies ionizing radiation to a human being while under the  
167 supervision of a licensed practitioner, registered radiologic

168 technologist, registered nuclear medicine technologist or  
169 registered radiation therapist;

170 (b) Laboratory personnel who use radiopharmaceuticals  
171 for in vitro studies;

172 (c) A dental hygienist or a dental assistant who is not  
173 a radiologic technologist, nuclear medicine technologist or  
174 radiation therapist, who possesses a radiology permit issued by  
175 the Board of Dental Examiners and applies ionizing radiation under  
176 the specific direction of a licensed dentist;

177 (d) A chiropractic assistant who is not a radiologic  
178 technologist, nuclear medicine technologist or radiation  
179 therapist, who possesses a radiology permit issued by the Board of  
180 Chiropractic Examiners and applies ionizing radiation under the  
181 specific direction of a licensed chiropractor;

182 (e) An individual who is permitted as a limited x-ray  
183 machine operator by the State Board of Medical Licensure and  
184 applies ionizing radiation in a physician's office, radiology  
185 clinic or a licensed hospital in Mississippi under the specific  
186 direction of a licensed practitioner; and

187 (f) A student enrolled in and participating in an  
188 accredited course of study for diagnostic radiologic technology,  
189 nuclear medicine technology or radiation therapy and is employed  
190 by a physician's office, radiology clinic or a licensed hospital  
191 in Mississippi and applies ionizing radiation under the specific  
192 direction of a licensed practitioner.

193           (8) Nothing in this chapter is intended to limit, preclude,  
194 or otherwise interfere with the practices of a licensed  
195 practitioner who is duly licensed or registered by the appropriate  
196 agency of the State of Mississippi, provided that the agency  
197 specifically recognizes that the procedures covered by this  
198 chapter are within the scope of practice of the licensee or  
199 registrant.

200           (9) (a) If any radiologic technologist, nuclear medicine  
201 technologist or radiation therapist violates any provision of this  
202 chapter or the regulations adopted by the department, the  
203 department shall suspend or revoke the registration and practice  
204 privileges of the person or issue other disciplinary actions in  
205 accordance with statutory procedures and rules and regulations of  
206 the department.

207           (b) If any person violates any provision of this  
208 chapter, the department shall issue a written warning to the  
209 licensed practitioner or medical institution that employs the  
210 person; and if that person violates any provision of this chapter  
211 again within three (3) years after the first violation, the  
212 department may suspend or revoke the permit or registration for  
213 the x-radiation and ionizing equipment of the licensed  
214 practitioner or medical institution that employs the person, in  
215 accordance with statutory procedures and rules and regulations of  
216 the department regarding suspension and revocation of those  
217 permits or registrations.



218 (10) This section shall stand repealed on July 1, \* \* \*  
219 2018.

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

222 41-58-5. (1) Each registered radiologic technologist,  
223 registered nuclear medicine technologist and registered radiation  
224 therapist shall submit evidence to the department of completing  
225 twenty-four (24) hours of continuing education in a two-year  
226 period as described in the rules and regulations of the  
227 department.

228 (2) Each limited x-ray machine operator who is first  
229 employed to apply ionizing radiation in the State of Mississippi  
230 shall complete twelve (12) hours of education in radiologic  
231 technology, with six (6) of those hours specifically in radiation  
232 protection, not later than twelve (12) months after the date of  
233 his or her employment to apply ionizing radiation, and shall  
234 thereafter submit evidence to the State Board of Medical Licensure  
235 of completing twelve (12) hours of continuing education in a  
236 two-year period as described in the rules and regulations of the  
237 State Board of Medical Licensure. Six (6) of the continuing  
238 education hours must be in radiation protection.

239 (3) Each individual who is exempt from registration under  
240 paragraph (d) of Section 41-58-3(7) shall complete twelve (12)  
241 hours of continuing education in a two-year period as described in  
242 the rules and regulations of the department. Six (6) of the  
243 continuing education hours must be in radiation protection.

244 (4) Each individual who is exempt from registration under  
245 paragraph (d) of Section 41-58-3(7) and who is first employed to  
246 apply ionizing radiation in the State of Mississippi shall  
247 complete twelve (12) hours of education in radiologic technology,  
248 with six (6) of those hours specifically in radiation protection,  
249 not later than twelve (12) months after the date of his or her  
250 employment to apply ionizing radiation.

251 (5) The department shall approve training sessions that will  
252 provide the continuing education required under this section in  
253 each of the junior/community college districts in the state, with  
254 at least one (1) training session being held during each quarter  
255 of the year.

256 (6) The Board of Chiropractic Examiners and the State Board  
257 of Medical Licensure may charge a fee of not more than Fifty  
258 Dollars (\$50.00) biennially to each individual whom the board  
259 certifies as having completed the continuing education  
260 requirements of this section.

261 (7) This section shall stand repealed on July 1, \* \* \* 2018.

262 **SECTION 4.** For purposes of this chapter:

263 (a) "Mississippi rural hospital" means any nonfederal  
264 general acute care hospital that:

265 (i) Has fifty (50) or fewer short term acute beds  
266 exclusive of geriatric psychiatric beds or any other type of beds  
267 and is located in a Mississippi county that has a population of  
268 less than sixty thousand (60,000) or is located in a municipality

269 that has a population of less than seven thousand five hundred  
270 (7,500); or

271 (ii) Is designated as a critical access hospital  
272 under 42 CFR 485, Subpart F.

273 (b) "Department" means the State Department of Health.

274 (c) "Grant" means a grant by the department to a rural  
275 hospital in accordance with this chapter.

276 (d) "Program" means the Mississippi Rural Hospital  
277 Transition and Improvement Grant Program established in this  
278 chapter.

279 **SECTION 5.** The Mississippi Rural Hospital Transition and  
280 Improvement Grant Program is established under the direction and  
281 administration of the State Department of Health for the purpose  
282 of making grants to rural hospitals in Mississippi to incentivize  
283 the implementation of plans and methodologies that will increase  
284 access to health care in the community and rural hospital  
285 sustainability.

286 **SECTION 6.** (1) Any Mississippi rural hospital desiring to  
287 participate in the program shall make application for a grant to  
288 the department in a form satisfactory to the department. The  
289 department shall receive grant proposals from Mississippi rural  
290 hospitals. All proposals shall be submitted in accordance with  
291 the provisions of grant procedures, criteria and standards  
292 developed and made public by the department. All approved grants  
293 shall be awarded within thirty (30) days of approval by the  
294 department.

295           (2) The department shall use the funds provided by this  
296 chapter to make grants until July 1, 2018, to Mississippi rural  
297 hospitals upon proposals made under subsection (1) of this  
298 section. Grants that are awarded to Mississippi rural hospitals  
299 shall only be used by those hospitals to implement plans and  
300 methodologies that will increase access to health care in the  
301 community and rural hospital sustainability. Grant monies may be  
302 used by the rural hospital:

303                   (a) To modify the type and extent of services provided  
304 by the rural hospital, in order to reflect the needs of the rural  
305 hospital and community;

306                   (b) To develop hospital-based physician practices that  
307 integrate hospital and existing medical practice facilities that  
308 agree to transfer their practices, equipment, staffing, and  
309 administration to the hospital;

310                   (c) To establish a provider cooperative, a telemedicine  
311 system, an electronic health records system, or a rural health  
312 care system or to cover expenses associated with being designated  
313 as a critical access hospital for the Medicare Rural Hospital  
314 Flexibility Program; and/or

315                   (d) To increase accessibility to health services in the  
316 community that it serves and/or to address efficiency and  
317 viability of the hospital.

318           (3) Grants received by Mississippi rural hospitals under  
319 this chapter shall not be used:

320 (a) To supplant federal funds traditionally received by  
321 those hospitals, but shall be used to supplement them; or

322 (b) To finance or satisfy any existing debt.

323 (4) The department shall develop regulations, procedures and  
324 application forms to govern how grants will be awarded, shall  
325 develop a plan to ensure that grants are awarded to most deserving  
326 Mississippi rural hospitals, and shall develop an audit process to  
327 assure that grant monies are used in the manner awarded.

328 (5) The department shall administer the fund created by  
329 Section 7 of this act for the purpose of providing service grants  
330 to Mississippi rural hospitals in accordance with this chapter and  
331 the following terms and conditions:

332 (a) The total amount of grants issued under this  
333 chapter shall be Ten Million Dollars (\$10,000,000.00) per state  
334 fiscal year.

335 (b) No Mississippi rural hospital shall receive  
336 assistance under this program in excess of Five Hundred Thousand  
337 Dollars (\$500,000.00) per hospital per state fiscal year.

338 (c) Each Mississippi rural hospital receiving a grant  
339 shall provide a yearly report to the department that details the  
340 expenditure of grant funds and certify that the grant funds were  
341 used in the manner awarded.

342 (6) The department shall establish an advisory council to  
343 review and make recommendations to the department on the  
344 Mississippi Rural Hospital Transition and Improvement Grant  
345 Program and awards of grants. Those recommendations by the

346 advisory council shall not be binding upon the department, but  
347 when a recommendation by the advisory council is not followed by  
348 the department, the department shall keep a record of the reasons  
349 for not accepting the advisory council's recommendation, and  
350 provide for an appeals process.

351 (7) The composition of the advisory council shall be the  
352 following:

353 (a) Two (2) employees of the department;

354 (b) One (1) representative of the Mississippi Hospital  
355 Association;

356 (c) Two (2) representatives from two (2) separate rural  
357 hospitals that are critical access hospitals;

358 (d) Two (2) representatives from two (2) separate rural  
359 hospitals that are not critical access hospitals; and

360 (e) Two (2) licensed physicians from two (2) separate  
361 areas designated as a rural county or rural area by the  
362 department.

363 (8) The department may use a portion of any grant monies  
364 received under this chapter to administer the program and to pay  
365 reasonable expenses incurred by the advisory council; however, in  
366 no case shall more than Sixty Thousand Dollars (\$60,000.00)  
367 annually be used for program expenses.

368 (9) No assistance shall be provided to a Mississippi rural  
369 hospital under this chapter unless the Mississippi rural hospital  
370 certifies to the department that it will not discriminate against

371 any employee or against any applicant for employment because of  
372 race, religion, color, national origin, sex or age.

373 **SECTION 7.** There is created a special fund in the State  
374 Treasury to be known as the Mississippi Rural Hospital Transition  
375 and Improvement Grant Program Fund, from which grants and  
376 expenditures authorized in connection with the program shall be  
377 disbursed. All monies received by legislative appropriation to  
378 carry out the purposes of this chapter shall be deposited into the  
379 special fund.

380 **SECTION 8.** Sections 4 through 7 of this act shall be  
381 codified as a new chapter in Title 41, Mississippi Code of 1972.

382 **SECTION 9.** Sections 1 through 3 of this act shall take  
383 effect and be in force from and after July 1, 2015, and Sections 4  
384 through 8 of this act shall take effect and be in force from and  
385 after July 1, 2015, provided that the Legislature has provided  
386 funding for the program to be established under Sections 4 through  
387 8 of this act.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 41-58-1, 41-58-3 AND 41-58-5,  
2 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON  
3 THE STATUTES PROVIDING FOR THE REGISTRATION OF MEDICAL RADIATION  
4 TECHNOLOGISTS; TO FURTHER AMEND SECTION 41-58-1, MISSISSIPPI CODE  
5 OF 1972, TO REVISE THE DEFINITION OF "NUCLEAR MEDICINE  
6 TECHNOLOGIST"; TO ESTABLISH THE MISSISSIPPI RURAL HOSPITAL  
7 TRANSITION AND IMPROVEMENT GRANT PROGRAM UNDER THE DIRECTION AND  
8 ADMINISTRATION OF THE STATE DEPARTMENT OF HEALTH FOR THE PURPOSE  
9 OF MAKING GRANTS TO MISSISSIPPI RURAL HOSPITALS TO INCENTIVIZE THE  
10 IMPLEMENTATION OF PLANS AND METHODOLOGIES THAT WILL INCREASE  
11 ACCESS TO HEALTH CARE IN THE COMMUNITY AND RURAL HOSPITAL  
12 SUSTAINABILITY; TO PRESCRIBE THE REQUIREMENTS FOR PARTICIPATION IN

13 THE PROGRAM AND PROVIDE RESTRICTIONS ON THE USE OF GRANT MONIES  
14 RECEIVED BY RURAL HOSPITALS UNDER THE PROGRAM; TO PROVIDE FOR THE  
15 ESTABLISHMENT OF AN ADVISORY COUNCIL TO REVIEW AND MAKE  
16 RECOMMENDATIONS TO THE DEPARTMENT ON THE PROGRAM AND AWARDS OF  
17 GRANTS; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN  
18 AS THE MISSISSIPPI RURAL HOSPITAL TRANSITION AND IMPROVEMENT GRANT  
19 PROGRAM FUND, FROM WHICH GRANTS AND EXPENDITURES AUTHORIZED IN  
20 CONNECTION WITH THE PROGRAM SHALL BE DISBURSED; AND FOR RELATED  
21 PURPOSES.

HR40\SB2123PH.J

Andrew Ketchings  
Clerk of the House of Representatives