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:

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

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

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

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

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

(d) "X-radiation" means penetrating electromagnetic radiation with wavelengths shorter than ten (10) nanometers produced by bombarding a metallic target with fast electrons in a vacuum.
(e) "Supervision" means responsibility for, and control of, quality radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes.

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

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

(h) "Nuclear medicine technologist" means a person other than a licensed practitioner who has passed a national certification examination recognized by the department such as the American Registry of Radiologic Technologists examination or the Nuclear Medicine Technology Certification Board examination or its equivalent, who performs in vivo imaging and measurement procedures and in vitro nonimaging laboratory studies, prepares
radiopharmaceuticals, and administers diagnostic/therapeutic doses of radiopharmaceuticals and administers other medications or procedures incidental for nuclear medicine exams to human beings while under the supervision of a licensed practitioner who is licensed to possess and use radioactive material. A certified nuclear medicine technologist also may perform diagnostic CT exams on hybrid equipment for diagnostic purposes, including the administration of parenteral and enteral contrast media and administration of other medications or procedures incidental to CT exams. Certified nuclear medicine technologists who perform CT scans must be certified in CT by the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board, or other CT certifying body. A certified nuclear medicine technologist may do on-the-job training on hybrid equipment provided that the certified nuclear medicine technologist is supervised by a certified technologist and obtains a CT certification within six (6) months of that training.

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

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

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

This section shall stand repealed on July 1, 2018.

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

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

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

(a) One (1) radiologist who is an active practitioner and member of the Mississippi Radiological Society;
(b) One (1) licensed family physician;
(c) One (1) licensed practitioner;
(d) Two (2) registered radiologic technologists;
(e) One (1) nuclear medicine technologist;
(f) One (1) radiation therapist;
(g) One (1) radiation physicist;
(h) One (1) hospital administrator; and
(i) The State Health Officer, or his designee, who shall serve as ex officio chairman with no voting authority.

(3) The department shall, following the recommendations from the appropriate professional state societies and organizations, including the Mississippi Radiological Society, the Mississippi Society of Radiologic Technologists, and the Mississippi State Nuclear Medicine Society, and other nominations that may be received from whatever source, appoint the members of the council as soon as possible after the effective date of subsections (2) and (3) of this section. Any person serving on the council who is a practitioner of a profession or occupation required to be licensed, credentialed or certified in the state shall be a holder of an appropriate license, credential or certificate issued by the state. All members of the council shall be residents of the State of Mississippi. The council shall promulgate such rules and regulations by which it shall conduct its business. Members of the council shall receive no salary for services performed on the council but may be reimbursed for their reasonable and necessary actual expenses incurred in the performance of the same, from
funds provided for such purpose. The council shall assist and advise the department in the development of regulations and standards to effectuate the provisions of this chapter.

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

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

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

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

(a) A student enrolled in and participating in an accredited course of study approved by the department for diagnostic radiologic technology, nuclear medicine technology or radiation therapy, who as a part of his clinical course of study applies ionizing radiation to a human being while under the supervision of a licensed practitioner, registered radiologic...
technologist, registered nuclear medicine technologist or
registered radiation therapist;
(b) Laboratory personnel who use radiopharmaceuticals
for in vitro studies;
(c) A dental hygienist or a dental assistant who is not
a radiologic technologist, nuclear medicine technologist or
radiation therapist, who possesses a radiology permit issued by
the Board of Dental Examiners and applies ionizing radiation under
the specific direction of a licensed dentist;
(d) A chiropractic assistant who is not a radiologic
technologist, nuclear medicine technologist or radiation
therapist, who possesses a radiology permit issued by the Board of
Chiropractic Examiners and applies ionizing radiation under the
specific direction of a licensed chiropractor;
(e) An individual who is permitted as a limited x-ray
machine operator by the State Board of Medical Licensure and
applies ionizing radiation in a physician's office, radiology
clinic or a licensed hospital in Mississippi under the specific
direction of a licensed practitioner; and
(f) A student enrolled in and participating in an
accredited course of study for diagnostic radiologic technology,
nuclear medicine technology or radiation therapy and is employed
by a physician's office, radiology clinic or a licensed hospital
in Mississippi and applies ionizing radiation under the specific
direction of a licensed practitioner.
(8) Nothing in this chapter is intended to limit, preclude, or otherwise interfere with the practices of a licensed practitioner who is duly licensed or registered by the appropriate agency of the State of Mississippi, provided that the agency specifically recognizes that the procedures covered by this chapter are within the scope of practice of the licensee or registrant.

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

(b) If any person violates any provision of this chapter, the department shall issue a written warning to the licensed practitioner or medical institution that employs the person; and if that person violates any provision of this chapter again within three (3) years after the first violation, the department may suspend or revoke the permit or registration for the x-radiation and ionizing equipment of the licensed practitioner or medical institution that employs the person, in accordance with statutory procedures and rules and regulations of the department regarding suspension and revocation of those permits or registrations.
(10) This section shall stand repealed on July 1, 2018.

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

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

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

(3) Each individual who is exempt from registration under paragraph (d) of Section 41-58-3(7) shall complete twelve (12) hours of continuing education in a two-year period as described in the rules and regulations of the department. Six (6) of the continuing education hours must be in radiation protection.
(4) Each individual who is exempt from registration under paragraph (d) of Section 41-58-3(7) and who is first employed to apply ionizing radiation in the State of Mississippi shall complete twelve (12) hours of education in radiologic technology, with six (6) of those hours specifically in radiation protection, not later than twelve (12) months after the date of his or her employment to apply ionizing radiation.

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

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

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

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

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

(i) Has fifty (50) or fewer short term acute beds exclusive of geriatric psychiatric beds or any other type of beds and is located in a Mississippi county that has a population of less than sixty thousand (60,000) or is located in a municipality...
that has a population of less than seven thousand five hundred
(7,500); or

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

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

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

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

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

SECTION 6. (1) Any Mississippi rural hospital desiring to
participate in the program shall make application for a grant to
the department in a form satisfactory to the department. The
department shall receive grant proposals from Mississippi rural
hospitals. All proposals shall be submitted in accordance with
the provisions of grant procedures, criteria and standards
developed and made public by the department. All approved grants
shall be awarded within thirty (30) days of approval by the
department.
(2) The department shall use the funds provided by this chapter to make grants until July 1, 2018, to Mississippi rural hospitals upon proposals made under subsection (1) of this section. Grants that are awarded to Mississippi rural hospitals shall only be used by those hospitals to implement plans and methodologies that will increase access to health care in the community and rural hospital sustainability. Grant monies may be used by the rural hospital:

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

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

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

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

(3) Grants received by Mississippi rural hospitals under this chapter shall not be used:
(a) To supplant federal funds traditionally received by those hospitals, but shall be used to supplement them; or

(b) To finance or satisfy any existing debt.

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

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

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

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

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

(6) The department shall establish an advisory council to review and make recommendations to the department on the Mississippi Rural Hospital Transition and Improvement Grant Program and awards of grants. Those recommendations by the
advisory council shall not be binding upon the department, but when a recommendation by the advisory council is not followed by the department, the department shall keep a record of the reasons for not accepting the advisory council's recommendation, and provide for an appeals process.

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

(a) Two (2) employees of the department;
(b) One (1) representative of the Mississippi Hospital Association;
(c) Two (2) representatives from two (2) separate rural hospitals that are critical access hospitals;
(d) Two (2) representatives from two (2) separate rural hospitals that are not critical access hospitals; and
(e) Two (2) licensed physicians from two (2) separate areas designated as a rural county or rural area by the department.

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

(9) No assistance shall be provided to a Mississippi rural hospital under this chapter unless the Mississippi rural hospital certifies to the department that it will not discriminate against
any employee or against any applicant for employment because of
race, religion, color, national origin, sex or age.

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

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

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

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

AN ACT TO AMEND SECTIONS 41-58-1, 41-58-3 AND 41-58-5,
MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON
THE STATUTES PROVIDING FOR THE REGISTRATION OF MEDICAL RADIATION
TECHNOLOGISTS; TO FURTHER AMEND SECTION 41-58-1, MISSISSIPPI CODE
OF 1972, TO REVISE THE DEFINITION OF "NUCLEAR MEDICINE
TECHNOLOGIST"; TO ESTABLISH THE MISSISSIPPI RURAL HOSPITAL
TRANSITION AND IMPROVEMENT GRANT PROGRAM UNDER THE DIRECTION AND
ADMINISTRATION OF THE STATE DEPARTMENT OF HEALTH FOR THE PURPOSE
OF MAKING GRANTS TO MISSISSIPPI RURAL HOSPITALS TO INCENTIVIZE THE
IMPLEMENTATION OF PLANS AND METHODOLOGIES THAT WILL INCREASE
ACCESS TO HEALTH CARE IN THE COMMUNITY AND RURAL HOSPITAL
SUSTAINABILITY; TO PRESCRIBE THE REQUIREMENTS FOR PARTICIPATION IN
THE PROGRAM AND PROVIDE RESTRICTIONS ON THE USE OF GRANT MONIES RECEIVED BY RURAL HOSPITALS UNDER THE PROGRAM; TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COUNCIL TO REVIEW AND MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE PROGRAM AND AWARDS OF GRANTS; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE MISSISSIPPI RURAL HOSPITAL TRANSITION AND IMPROVEMENT GRANT PROGRAM FUND, FROM WHICH GRANTS AND EXPENDITURES AUTHORIZED IN CONNECTION WITH THE PROGRAM SHALL BE DISBURSED; AND FOR RELATED PURPOSES.

Andrew Ketchings
Clerk of the House of Representatives