MISSISSIPPI LEGISLATURE REGULAR SESSION 2006

By: Senator(s) Nunnelee

To: Public Health and Welfare

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2365

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

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

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.

(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 three (3) specialized

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

(g) "Radiologic technologist" means a person other than a licensed practitioner who has passed a national certification examination 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.

(h) "Nuclear medicine technologist" means a person other than a licensed practitioner who has passed a national certification examination 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 to human beings while under the supervision of a licensed practitioner who is licensed to possess and use radioactive material.

(i) "Radiation therapist" means a person other than a licensed practitioner who has passed a national certification examination 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) "Council" means the Medical Radiation Advisory Council created pursuant to Section 41-58-3.

This section shall stand repealed on July 1, <u>2010</u>.

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 ten (10) 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) limited radiologic technician;

(h) One (1) radiation physicist;

(i) One (1) hospital administrator; and

(j) 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 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 Twenty-five Dollars ($25.00) annually to each person to whom it issues a registration under the provisions of this chapter.

(7) Registration is not required for:

(a) A student enrolled in and participating in an approved course of study 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 not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of Medical Licensure and applies ionizing radiation in a physician's office or a radiology clinic under the specific direction of a licensed physician; and

(f) An individual who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who is employed by 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, the department shall suspend or revoke the registration

and practice privileges of the person, 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 radiation 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 such permits or registrations.

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

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) From and after July 1, 1997, each individual who is exempt from registration under paragraph (d), (e) or (f) 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 radiologic protection.

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

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

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

(c) Not later than July 1, 1996, the department shall approve training sessions that will provide the continuing education required under this subsection (3). During the period from July 1, 1996, through June 30, 1997, the department shall approve not less than four (4) training sessions 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.

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

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

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

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

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

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

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

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