

## **Title 15: Mississippi State Department of Health**

### **Part 19: Bureau of Professional Licensure**

#### **Subpart 60: Professional Licensure**

### **CHAPTER 7: REGULATION GOVERNING REGISTRATION OF MEDICAL RADIATION TECHNOLOGISTS**

#### **Subchapter 1: General**

Rule 7.1.1     **Legal Authority:** The State Board of Health is authorized to establish and enforce these rules and procedures by virtue of Sections 41-58-1 et seq. of Mississippi Code of 1972, annotated.

*SOURCE: Miss. Code Ann. § 41-58-3.*

Rule 7.1.2     **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1.     **"Department"** means the Mississippi Department of Health.
2.     **"Licensed practitioner"** means a person licensed or otherwise authorized by law to practice medicine, dentistry, chiropractic, osteopathy or podiatry, or a licensed nurse practitioner.
3.     **"Ionizing radiation"** means x-rays and gamma rays, alpha and beta particles, high speed electrons, neutrons and other nuclear particles.
4.     **"X-radiation"** means penetrating electromagnetic radiation with wavelengths short than ten (10) nanometers produced by bombarding a metallic target with fast electrons in a vacuum.
5.     **"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.
6.     **"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.
7.     **"Radiologic technologist"** means a person other than a licensed practitioner who has passed a national certification examination such as the American Registry of Radiologic Technologist examination or its equivalent, who applies x-radiation or ionizing radiation to any part of the human body for diagnostic purposes.

8. **"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 Technologist 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.
9. **"Radiation therapist"** means a person other than a licensed practitioner who has passed a national certification examination such as the American Registry of Radiologic Technologist 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.
10. **"Council"** means the Medical Radiation Advisory Council.
11. **"Act"** shall mean Section 41-58-1 et seq. of Mississippi Code of 1972, annotated.
12. **"State"** shall mean the State of Mississippi".

*SOURCE: Miss. Code Ann. § 41-58-3.*

## **Subchapter 2: Medical Radiation Technologists Advisory Council (“Council”)**

### **Rule 7.2.1 Council Structure and Purpose:**

1. The Council shall consist of ten (10) members, who shall serve without compensation. They shall be selected by the Department, to serve under the jurisdiction of the Department for a three (3) year term, except for those members appointed to the first council, four (4) of whom shall be appointed for two (2) year terms, and five (5) of whom shall be appointed for three (3) year terms.
2. The council composition shall be 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. Three (3) registered radiological 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. All council members engaged in medical radiation technology and not exempt from registration must, at the time of appointment, be registered with the Department, except for the initial council members, who must be registered within one (1) month of the Department issuing registration certificates. Any other 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 hold an appropriate license, credential, or certificate issued by the state. The purpose of the Council is to serve in an advisory capacity to the Department in matters relating to the administration and interpretation of the Act.

*SOURCE: Miss. Code Ann. § 41-58-3.*

**Rule 7.2.2 Meeting:** The Council shall meet at places and at times designated by the Department. A quorum shall consist of five (5) members of the Council, and shall be necessary for the Council to take action by vote.

*SOURCE: Miss. Code Ann. § 41-58-3.*

### **Subchapter 3: Registration**

#### **Rule 7.3.1 Types of Registration:**

- 1. "Radiologic technologist registration" means the registration which permits a person to apply x-radiation or ionizing radiation to any part of the human body for diagnostic purposes.
- 2. "Nuclear medicine technologist registration" means the registration which permits a person to perform in vivo imaging and measurement procedures and in vitro nonimaging laboratory studies, to prepare radiopharmaceuticals, and to administer diagnostic and therapeutic doses of radiopharmaceuticals to human beings while under the supervision of a licensed practitioner who is identified as an authorized user on a Department license that authorizes the medical use of radioactive material.
- 3. "Radiation therapist registration" means the registration which permits a person to apply x-radiation and the ionizing radiation emitted from particle accelerators, cobalt-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 identified as an authorized user

by the Department to possess and apply x-radiation and the ionizing radiation emitted from particle accelerators, cobalt-60 units and sealed sources of radioactive material to human beings for therapeutic purposes.

*SOURCE: Miss. Code Ann. § 41-58-3.*

**Rule 7.3.2 General Requirements:** An applicant for registration shall submit to the Department, verified under oath, written evidence in form and content satisfactory to the Department that the applicant:

1. Is of good moral character, which is a continuing requirement for registration.
2. Is a United States citizen or has status as a legal resident alien, which is a continuing requirement for registration.
3. Has not been convicted of a crime relating to dishonest or unethical conduct, which is a continuing requirement for registration.
4. Has not been declared mentally incompetent by any court, and if any such decree has ever been rendered, that the decree has since been changed, which is a continuing requirement for registration.
5. Is free from dependency on alcohol or drugs, which is a continuing requirement for registration.
6. Has not had a license or registration in medical radiation technology suspended or revoked in any other state, jurisdiction, or country, which is a continuing requirement for registration.

*SOURCE: Miss. Code Ann. § 41-58-3.*

**Rule 7.3.3 Specific Registration Requirements:**

1. Radiologic technologist registration- An applicant for registration as a radiologic technologist shall submit to the Department written evidence in form and content satisfactory to the Department that the applicant is an American Registry of Radiologic Technologist (ARRT) Registered Medical Radiologic Technologist.
2. Nuclear medicine technologist registration - An applicant for registration as a nuclear medicine technologist shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant is an American Registry of Radiologic Technologist (ARRT) Registered Nuclear Medicine Technologist and/or the Nuclear Medicine Technologist Certifying Board (NMTCB).
3. Radiation therapist registration - An applicant for registration as a radiation therapist technologist shall submit to the Department written evidence in form and

content satisfactory to the Department that the applicant is an American Registry of Radiologic Technologist (ARRT) Registered Radiation Therapist Technologist.

*SOURCE: Miss. Code Ann. § 41-58-3.*

Rule 7.3.4     **Temporary Permit:** the Department may, in its discretion, issue a temporary permit to practice a specialty of medical radiation technology for a period of six (6) months to an applicant for a registration, pending the completion of the requirements for registration, providing the applicant submits to the Department, verified by oath, in form and content satisfactory to the Department that:

1.     the applicant has successfully completed an approved program accredited by the JRCERT or the JRCNMT, or their successor organizations, in the registration specialty ; and
2.     the applicant has qualified to sit for the appropriate ARRT or NMTCB specialty examination.
3.     Applications under this section must be submitted within 1 year from the date of graduation from an approved program.

*SOURCE: Miss. Code Ann. § 41-58-3.*

Rule 7.3.5     **Abandonment:** An application shall be deemed abandoned by the Department if, after two years from the date of filing, the requirements for registration have not been completed and submitted to the Department.

*SOURCE: Miss. Code Ann. § 41-58-3.*

Rule 7.3.6     **Production and Display of Registration:** A person registered to practice medical radiation technology in the State of Mississippi shall be issued a "Certificate of Registration" and "Registration Identification Card." The "Certificate of Registration" or copy thereof shall be on record at the place(s) of employment. The licensee shall carry the "Registration Identification Card" with them at all times when providing services and show said ID card when requested.

*SOURCE: Miss. Code Ann. § 41-58-3.*

## **Subchapter 4: Renewal of Registration**

### **Rule 7.4.1 General Provisions:**

1. The Department shall issue registrations which shall be renewed biennially, after the initial registration phase.
2. The licensure year shall be construed as September 1st through August 31st.

*SOURCE: Miss. Code Ann. § 41-58-3.*

**Rule 7.4.2 Procedure for Renewal of Registration:** The Department shall mail notices, at least thirty (30) days prior to the renewal date, to the last address registered with the board, to the persons to whom registrations were issued or renewed during the preceding renewal period. The registrant shall:

1. complete the renewal form;
2. submit proof of continuing education credit as detailed in Section V of these regulations;
3. file the above with the Department prior to the end of the renewal period with the appropriate fee.

*SOURCE: Miss. Code Ann. § 41-58-3.*

**Rule 7.4.3 Failure to Renew:** A registrant who does not file, with the Department, his renewal application within the renewal period will be deemed to have allowed his registration to lapse. Said registration may be reinstated by the Department, in its discretion, by the payment of the renewal fee and a reinstatement fee, provided said application for reinstatement is made within two (2) years of the end of the renewal period.

*SOURCE: Miss. Code Ann. § 41-58-3.*

## **Subchapter 5: Continuing Education**

### **Rule 7.5.1 Requirements:**

1. Regulations set the requirement of twenty-four (24) clock hours to be accrued during the registration term.
2. Individuals applying for initial registration within a registration term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of registration.

*SOURCE: Miss. Code Ann. § 41-58-3.*

Rule 7.5.2     **Sources of Continuing Education:** All continuing education hours for individuals registered with the Mississippi Department of Health must be approved by the American Registry of Radiologic Technologists (A.R.R.T.).

*SOURCE: Miss. Code Ann. § 41-58-3.*

Rule 7.5.3     **Reporting Procedures for Continuing Education:**

1. It is the responsibility of the registrant to submit, at the time of renewal, written evidence in form and content satisfactory to the Department, proof that the continuing education requirement has been met.
2. Persons who fail to accrue the required continuing education hours shall be issued a probationary registration for one (1) registration term. Failure to satisfy the terms and conditions of the probation and to accrue the required hours will result in the revocation of the registration. Hours accrued are first credited for the delinquent hours lacking from the previous registration period, and then applied to the present registration term.
3. Probationary registrations will be issued for one registration term only. No ensuing registration may be probationary as a result of not meeting continuing education requirements.

*SOURCE: Miss. Code Ann. § 41-58-3.*

## **Subchapter 6: Exceptions and Exemptions**

Rule 7.6.1     **Exceptions:** No person shall practice medical radiation technology unless he is registered by the Department, except as otherwise provided in this section.

1. 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;
2. Laboratory personnel who use radiopharmaceuticals for in vitro studies;
3. 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;
4. 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 this specific direction of a licensed chiropractor;

5. 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
6. 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.
7. Individuals exempt from registration pursuant to sections 106.01 4, 5, and 6, shall be required to complete twelve (12) hours of continuing education in a two (2) year period, approved by the American Registry of Radiologic Technologists (A.R.R.T.), the Mississippi State Board of Medical Licensure, or the Mississippi State Board of Chiropractic Examiners, with six (6) of the continuing education hours in radiologic protection.
8. Nothing in these regulations is intended to limit, preclude, or otherwise interfere with the practices of a licensed practitioner as defined in the definitions of these regulations, 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 these regulations are within the scope of practice of the licensee or registrant.

*SOURCE: Miss. Code Ann. § 41-58-3.*

### **Subchapter 7: Criminal Offenses and Punishment**

Rule 7.7.1     **Offenses:** It is a misdemeanor for any person to violate any provisions these regulations.

*SOURCE: Miss. Code Ann. § 41-58-3.*

Rule 7.7.2     **Punishment:** Such misdemeanor shall, upon conviction, be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months or by both fine and imprisonment for each offense.

*SOURCE: Miss. Code Ann. § 41-58-3.*

### **Subchapter 8: Revocation, Suspension and Denial of Registration**

Rule 7.8.1     **Standards of Conduct:** Registrants may, at the discretion of the Department, have their registration placed on probation, suspended or revoked, or, denied at the time of application or renewal, or have such other disciplinary action taken as deemed appropriate, if the Department determines that the registrant:

1. Is guilty of fraud or deceit in procuring or attempting to procure a registration or renewal of a registration to practice medical radiation technology.

2. Has failed to service a patient in a professional manner, or is unfit or incompetent by reason of negligence, habits, or other causes of incompetency.
3. Is habitually intemperate in the use of alcoholic beverage.
4. Is addicted to, or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics.
5. Is guilty of dishonest or unethical conduct.
6. Has practiced medical radiation technology after his registration has expired or has been suspended.
7. Has practiced medical radiation technology under cover of any registration illegally or fraudulently obtained or issued.
8. Has violated any of the rules, regulations, or Standards of Ethics of the American Registry of Radiologic Technologists.
9. Has been convicted of any crime involving dishonest or unethical conduct.
10. Has been convicted of any felony.
11. Has violated, aided, or abetted others in violation of any provision of the Act or the regulations promulgated thereto.
12. Has engaged in any conduct considered by the Department to be detrimental to the profession of medical radiation technology.

*SOURCE: Miss. Code Ann. § 41-58-3.*

**Rule 7.8.2 Summary Suspension:** The Department may summarily suspend a registration without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Department determines that:

1. The health, safety, or welfare of the general public is in immediate danger; or
2. The registrant's physical capacity to practice his profession is in issue; or
3. The registrant's mental capacity to practice his profession is in issue.

*SOURCE: Miss. Code Ann. § 41-58-3.*

**Rule 7.8.3 Complaints:** All complaints concerning a registrant, his business, or professional practice, shall be reviewed, evaluated, and if required, investigated by the Department.

*SOURCE: Miss. Code Ann. § 41-58-3.*

**Rule 7.8.4 Notice of Charges and Hearing:**

1. Following the investigative process, the Department may file formal charges against the registrant. Such formal complaint shall, at a minimum, inform the registrant of the facts which are the basis of the charge and which are specific enough to enable the registrant to defend against the charges.
2. Each registrant, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the registrant, shall be served notice of the formal charge at least fifteen (15) days before the date of hearing. A hearing shall be presided over by the Department's designee. Service shall be considered to have been given if the notice was personally received by the registrant, or the notice was mailed certified, return receipt requested, to the registrant at the registrant's last known address as listed with the Department.
3. The notice of the formal hearing shall consist at a minimum of the following information:
  - a. The time, place and date of hearing;
  - b. That the registrant shall appear personally at the hearing and may be represented by counsel;
  - c. That the registrant shall have the right to produce witnesses and evidence in the registrant's behalf and shall have the right to cross-examine adverse witnesses and evidence;
  - d. That the hearing could result in disciplinary action being taken against the registrant's registration;
  - e. That rules for the conduct of these hearings exist and it may be in the registrant's best interest to obtain a copy; and
  - f. That the Department's designee shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated to the State Health Officer as to what disciplinary action, if any, should be imposed on the registration.
4. The Department's designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the registration. At the conclusion of the hearing, the State Health Officer shall issue an order, within sixty (60) days.
5. Disposition of any complaints may be made by consent order or stipulation between the Department and the registrant.
6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

*SOURCE: Miss. Code Ann. § 41-58-3.*

**Rule 7.8.5 Department Sanctions:** The Department may impose any of the following sanctions, singly or in combination, when it finds that a registrant is guilty of any of the offenses set forth in section 8-2 above:

1. Revocation of the registration;
2. Suspension of the registration, for any period of time;
3. Censure the registrant;
4. Issuance of a letter of reprimand to the registrant;
5. Place a registrant on probationary status and require the registrant to submit to any of the following:
  - a. report regularly to the board upon matters which are the basis of probation;
  - b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or
  - c. such other reasonable requirements or restrictions as are proper;
6. Refuse to renew a registration; or
7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

*SOURCE: Miss. Code Ann. § 41-58-3.*

**Rule 7.8.6 Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal to the Hinds County Circuit Court, in the manner provided for in the Laws of the State of Mississippi.

*SOURCE: Miss. Code Ann. § 41-58-3.*

## **Subchapter 9: Fees**

**Rule 7.9.1 Method of Payment:** The following fees, where applicable, are payable to the Mississippi Department of Health by certified check, cashiers check, or money order. Fees paid to the Department are non-refundable.

*SOURCE: Miss. Code Ann. § 41-58-3.*

Rule 7.9.2     **Schedule of Fees**

1.     The first full two (2) year term of registration shall begin on September 1, 1998, and all licenses issued prior to that date will be subject to renewal on September 1, 1998.
2.     Initial Registration Fee
  - a.     before September 1, 1998 - \$25.00
  - b.     after September 1, 1998 - \$50.00
3.     Renewal Fee-\$50.00
4.     Temporary Permit - \$25.00
5.     Reinstatement Fee - \$200.00
6.     Replacement Fee - \$50.00
7.     Registration Verification Fee - \$25.00

*SOURCE: Miss. Code Ann. § 41-58-3.*

**Subchapter 10: Administrative Grievance Procedure**

Rule 7.10.1     **Administrative Appeals:** All persons aggrieved by a decision regarding the initial application for registration or the renewal of registration shall have the right of administrative appeal and a hearing to be conducted according to the policy of the Department of Health.

*SOURCE: Miss. Code Ann. § 41-58-3.*

Rule 7.10.2     **Notification:** Written notice will be provided to all applicants regarding denial of an original registration or a renewal registration. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

*SOURCE: Miss. Code Ann. § 41-58-3*

Rule 7.10.3     **Hearing:**

1.     If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the registration should be granted or renewed.
2.     Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the registration in question, shall be forwarded to the State Health

Officer. The State Health Officer shall decide what action will be taken on the recommendation.

*SOURCE: Miss. Code Ann. § 41-58-3.*