

Adopt Plc 1300 to read as follows:

CHAPTER Plc 1300 MEDICAL IMAGING AND RADIATION THERAPY

Statutory Authority: RSA 328-J:7

PART Plc 1301 PURPOSE AND APPLICABILITY; SENDING NOTICES AND LICENSES

Plc 1301.01 Purpose. The purpose of this chapter is to implement RSA 328-J relative to regulating the practice of medical imaging and radiation therapy, to safeguard the life and health of the people of New Hampshire by establishing requirements for:

- (a) Obtaining and renewing a license to practice in the professions regulated under RSA 328-J;
- (b) Obtaining the reinstatement of a license to practice in the professions regulated under RSA 328-J that has lapsed, expired, or otherwise been rendered inactive or invalid; and
- (c) The regulation of the practices of the professions regulated under RSA 328-J, including establishing the scope of practice and ethical and professional standards required to be met by each holder of a license.

Plc 1301.02 Applicability. This chapter shall apply to any individual who intends to practice or who does practice in the professions regulated under RSA 328-J, subject to the exemptions listed in RSA 328-J:25, reprinted in Appendix E.

Plc 1301.03 Notifications; Issuance of Licenses.

- (a) All notifications sent to applicants and licensees and all licenses issued pursuant to this chapter shall be sent to the applicant's or licensee's designated email address.
- (b) All notifications and licenses sent to a designated email address for which the OPLC does not received any indication that the email was not delivered shall be deemed to have been received by the person who designated the email address.

PART Plc 1302 DEFINITIONS

Plc 1302.01 "Advisory board" means the advisory board of medical imaging and radiation therapy established pursuant to RSA 328-J:3.

Plc 1302.02 "Approved equivalency test" means any test that led or leads to the receipt of a high school equivalency certificate.

Plc 1302.03 "Cardiac electrophysiology specialist" means "cardiac electrophysiology specialist" as defined in RSA 328-J:1, I-a, namely "the individual who assists a physician with diagnosing and treating the electrical activities of the heart, including procedures involving invasive (intracardiac) catheter recording of spontaneous activity as well as of cardiac responses to programmed electrical stimulation (PES)."

Plc 1302.04 "Cardiovascular invasive specialist" means "cardiovascular invasive specialist" as defined in RSA 328-J:1, I-b, namely "the individual who assists a physician with cardiac catheterization procedures which can determine if a blockage exists in the blood vessels that supply the heart muscle and can help diagnose and treat other problems."

Plc 1302.05 "Credentialing organization" means the organization with or by which an applicant or licensee is required by RSA 328-J:11 to be registered and certified, as reflected in Plc 1304.

Plc 1302.06 “Computed tomography” means “computed tomography” as defined in RSA 328-J:1, III, namely “the process of producing sectional and three-dimensional images using external ionizing radiation.”

Plc 1302.07 “Continuing competence” means the reinforcement and enhancement of professional skills and knowledge through participation in structured courses and professional activities and experiences that are beyond entry-level preparation for professional licensing.

Plc 1302.08 “Cooperate” means to provide information requested by an investigator during an investigation and to answer any questions posed by the investigator in order to enable the executive director to determine compliance with RSA 328-J and Plc 1300.

Plc 1302.09 “Designated email address” means an email address provided by an applicant or licensee as the address for the OPLC to use when sending notifications and licenses.

Plc 1302.10 “Executive director” means the executive director of the office of professional licensure and certification (OPLC) or designee.

Plc 1302.11 “Fluoroscopy” means “fluoroscopy” as defined in RSA 328-J:1, IV, namely “the exposure of a patient to ionizing radiation in a fluoroscopy mode, including the positions of the patient, positioning of the fluoroscopy equipment, and the selection of exposure factors.”

Plc 1302.12 “License” means “license” as defined in RSA 541-A:1, VIII, namely “the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law.” For purposes of this chapter, the term includes any similar form of approval to practice a regulated MIRT profession in any jurisdiction.

Plc 1302.13 “Licensed practitioner” means “licensed practitioner” as defined in RSA 328-J:1, V, namely “a person licensed to practice medicine, dentistry, chiropractic, podiatry, or osteopathy in New Hampshire.”

Plc 1302.14 “Licensing bureau” means the organizational unit within the OPLC’s division of licensing and board administration that is responsible for accepting and processing applications.

Plc 1304.15 “Limited x-ray machine operator” means “limited x-ray machine operator” as defined in RSA 328-J:1, VI, namely “a person who is licensed under this chapter to perform, under the supervision of a licensed practitioner, limited diagnostic radiography procedures of specific parts of human anatomy or bone density measurements using equipment that emits external ionizing radiation.”

Plc 1302.16 “Live programming” means educational programming presented by an instructor or by a panel of instructors that is available to attendees at the time it is being originally presented. The term includes a program attended remotely using a computer or other audio-visual telecommunications equipment, provided the attendee has an opportunity during the program to ask questions about the material presented that are answered by the instructor(s).

Plc 1304.17 “Magnetic resonance technologist” means “magnetic resonance technologist” as defined in RSA 328-J:1, VII, namely “a person who is licensed under this chapter to perform magnetic resonance procedures using magnetic fields and radio frequency signals.”

Plc 1302.18 “Medical imaging” means “medical imaging” as defined in RSA 328-J:1, VIII, namely “any procedure intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including, but not limited to the following modalities, radiography, nuclear medicine, fluoroscopy, magnetic resonance, and other procedures using ionizing radiation, magnetic resonance, or ultrasound.”

Plc 1302.19 “Medical imaging professional” means “medical imaging professional” as defined in RSA 328-J:1, IX, namely “any person who is a magnetic resonance technologist, nuclear medicine technologist, radiographer, radiologist assistant, or sonographer licensed under this chapter.”

Plc 1302.20 “Nuclear medicine technologist” means “nuclear medicine technologist” as defined in RSA 328-J:1, X, namely “a person who is licensed under this chapter to perform a variety of nuclear medicine and molecular imaging procedures using sealed and unsealed radiation sources, ionizing and nonionizing radiation, and adjunctive medicine and therapeutic procedures using unsealed radioactive sources.”

Plc 1302.21 “Personal contact information” means an individual’s home or other personal telephone number, home address, home mailing address if different, and designated email address.

Plc 1302.22 “Plan of correction” means a list of specific actions to be taken with a deadline for taking each action, to reflect how a licensee will correct a violation of, and come into compliance with, Plc 1300 and RSA 328-J.

Plc 1302.23 “Radiation therapist” means “radiation therapist” as defined in RSA 328-J:1, XI, namely “a person who is licensed under this chapter to administer ionizing radiation to human beings for therapeutic purposes.”

Plc 1302.24 “Radiographer” means “radiographer” as defined in RSA 328-J:1, XII, namely “a person who is licensed under this chapter to perform a comprehensive set of diagnostic radiographic procedures using external ionizing radiation to produce radiographic, fluoroscopic, or digital images.”

Plc 1302.25 “Radiologist” means “radiologist” as defined in RSA 328-J:1, XIII, namely “a physician certified by or board-eligible to be certified for the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons in that medical specialty.”

Plc 1302.26 “Radiologist assistant” means “radiologist assistant” as defined in RSA 328-J:1, XIV, namely “a radiographer who has met additional qualifications and who is licensed under this chapter to perform a variety of activities under the supervision of a radiologist in the areas of patient care, patient management, radiologic imaging, or interventional procedures guided by radiologic imaging.”

Plc 1302.27 “Regulated MIRT professions” means the medical imaging and radiation therapy professions regulated under RSA 328-J, including limited x-ray machine operators.

Plc 1302.28 “Self-directed education” means participation in electronic continuing professional education courses that are self-study courses or self-paced clinical courses, which require the participant to pass an examination to obtain confirmation of participation.

Plc 1302.29 “Sonographer” means “sonographer” as defined in RSA 328-J:1, XV, namely “a person who is licensed under this chapter to perform a comprehensive set of diagnostic sonography procedures using ultrasound to create medical images.”

Plc 1302.30 “Working day” means any Monday through Friday, excluding days on which state offices are closed in observance of holidays.

PART Plc 1303 ADVISORY BOARD

Plc 1303.01 Advisory Board Members Appointment and Qualifications.

(a) Pursuant to RSA 328-J:3, the executive director shall establish an advisory board of medical imaging and radiation therapy consisting of 3 members who are licensed and in good standing in New Hampshire as a medical imaging professional.

(b) As required by RSA 328-J:3:

- (1) The executive director also shall appoint one alternate board member who has the same qualifications set forth for advisory board members;
- (2) Each member shall be appointed to a term of 3 years; and
- (3) No member shall serve more than 2 consecutive full terms.

(c) Each advisory board member shall:

- (1) Have been a licensed medical imaging professional for at least 3 years preceding the appointment;
- (2) Be currently licensed in New Hampshire when appointed and for the duration of the term; and
- (3) Have actively practiced in New Hampshire for at least one year immediately preceding appointment to the advisory board.

(d) The executive director shall appoint members who are licensed in different regulated MIRT professions to the extent such professionals are willing and able to serve on the advisory board.

Plc 1303.02 Meetings and Records of Advisory Board.

(a) The advisory board shall meet at the call of the executive director.

(b) Meetings of the advisory board shall be held at the OPLC's offices in Concord, NH, or in such other location as the executive director determines will be most convenient for the largest number of anticipated attendees.

(c) Notice of meetings shall be provided as required by RSA 91-A.

(d) Records of the advisory board shall be maintained by the OPLC as required by RSA 91-A.

Plc 1303.03 Responsibilities of Advisory Board.

(a) As provided in RSA 328-J:3, the advisory board shall advise the executive director regarding the implementation of RSA 328-J, including in particular by reviewing and commenting on proposed rules and proposed revisions to rules intended to implement RSA 328-J.

(b) If requested by the executive director based on a determination that the expertise of the advisory board members is needed, members of the advisory board shall sit as part of a panel for an adjudicative hearing conducted pursuant to applicable provisions in Plc 200 and RSA 541-A.

(c) If requested by the executive director based on a determination that the expertise of the advisory board members is needed, the advisory board shall assist with an investigation commenced pursuant to RSA 310-A:1-j and Plc 204 relative to investigations.

Plc 1303.04 Records of Predecessor Board. The records of the board of medical imaging and radiation therapy that existed prior to July 26, 2022, the effective date of Laws of 2022, ch. 104, shall be:

(a) Retained by the executive director in accordance with the retention schedule established pursuant to RSA 310-A:1-d, II(e); and

(b) Available for public review as provided in Plc 100.

PART Plc 1304 STATUTORY QUALIFICATIONS FOR LICENSURE

Plc 1304.01 Qualifications for Limited X-Ray Machine Operator.

(a) As required by RSA 328-J:11, I(a) and (b), to qualify for licensure as a limited x-ray machine operator, an applicant shall:

- (1) Be at least 18 years of age; and
- (2) Have obtained a high school diploma or have passed an approved equivalency test.

(b) The course of study in limited x-ray machine operation required by RSA 328-J:11, I(c) shall be any course that qualifies an individual to take one of the examinations listed in (c), below.

(c) The examination in limited x-ray machine operation required by RSA 328-J:11, I(d) shall be any of the following examinations:

- (1) The American Registry of Radiologic Technologist limited x-ray machine operator examination for core, chest, extremities, skull/sinuses, and podiatric;
- (2) The American Chiropractic Registry of Radiologic Technologists examination in spine radiography;
- (3) The American Society of Podiatric Medical Assistants examination in podiatric radiography; or
- (4) The International Society for Clinical Densitometry examination in clinical bone densitometry technology.

Plc 1304.02 Qualifications for Magnetic Resonance Technologist.

(a) As required by RSA 328-J:11, II(a) and (b), to qualify for a license as a magnetic resonance technologist, an applicant shall:

- (1) Be at least 18 years of age; and
- (2) Have obtained a high school diploma or have passed an approved equivalency test.

(b) The course of study in radiography and additional educational requirements in magnetic resonance technology required by RSA 328-J:11, II(c) shall be a course of study in radiography approved, recognized as accredited, or required for certification by:

- (1) The American Registry of Magnetic Resonance Imaging Technologists; or
- (2) The American Registry of Radiologic Technologists.

(c) Pursuant to RSA 328-J:11, II(e), all applicants shall be certified and registered in magnetic resonance by:

- (1) The American Registry of Radiologic Technologists; or
- (2) The American Registry of Magnetic Resonance Imaging Technologists.

Plc 1304.03 Qualifications for Nuclear Medicine Technologist.

(a) As required by RSA 328-J:11, III(a) and (b), to qualify for a license as a nuclear medicine technologist, an applicant shall:

- (1) Be at least 18 years of age; and

(2) Have obtained a high school diploma or have passed an approved equivalency test.

(b) The course of study in nuclear medicine technology required by RSA 328-J:11, III(c) shall be a course of study in nuclear medicine technology that is approved, accredited, or required for certification by:

(1) The Joint Review Committee on Educational Programs in Nuclear Medicine Technology;

(2) The Canadian Association of Medical Radiation Technologists; or

(3) The Australian and New Zealand Society of Nuclear Medicine.

(c) As required by RSA 328-J:11, III(d), the applicant shall possess current certification and registration in nuclear medicine technology from:

(1) The American Registry of Radiologic Technologists; or

(2) The Nuclear Medicine Technology Certification Board.

Plc 1304.04 Qualifications for Radiation Therapist.

(a) As required by RSA 328-J:11, IV(a) and (b), to qualify for a license as a radiation therapist, an applicant shall:

(1) Be at least 18 years of age; and

(2) Have obtained a high school diploma or have passed an approved equivalency test.

(b) The course of study in radiation therapy required by RSA 328-J:11, IV(c) shall be a course of study that is approved, recognized as accredited, or required for certification in radiation therapy by the American Registry of Radiologic Technologists.

(c) As required by RSA 328-J:11, IV(d), the applicant shall possess current certification and registration in radiation therapy from the American Registry of Radiologic Technologists.

Plc 1304.05 Qualifications for Radiographer.

(a) As required by RSA 328-J:11, V(a) and (b), to qualify for a license as a radiographer, an applicant shall:

(1) Be at least 18 years of age; and

(2) Have obtained a high school diploma or have passed an approved equivalency test.

(b) The course of study in radiography required by RSA 328-J:11, V(c) shall be a course of study that is approved, recognized as accredited, or required for certification in radiography by the American Registry of Radiologic Technologists.

(c) As required by RSA 328-J:11, V(d), the applicant shall possess current certification and registration in radiography from the American Registry of Radiologic Technologists.

Plc 1304.06 Qualifications for Radiologist Assistant. As required by RSA 328-J:11, VI, to qualify for a license as a radiologist assistant, an applicant shall:

(a) Possess a radiographer license and current certification and registration in radiography from the American Registry of Radiologic Technologists;

(b) Possess current certification and registration as a radiologist assistant or radiology practitioner assistant from:

- (1) The American Registry of Radiologic Technologists; or
 - (2) The Certification Board of Radiology Physician Assistants; and
- (c) Submit clinical protocols that are signed by the supervising radiologist and that specify:
- (1) The procedures that are or will be performed by the radiologist assistant;
 - (2) The level of radiologist supervision; and
 - (3) The location(s) of practice designated by the supervising radiologist.

Plc 1304.07 Qualifications for Sonographer.

(a) As required by RSA 328-J:11, VII(a) and (b), to qualify for a license as a sonographer, an applicant shall:

- (1) Be at least 18 years of age; and
- (2) Have obtained a high school diploma or have passed an approved equivalency test.

(b) The course of study in sonography required by RSA 328-J:11, VII(c) shall be a course of study that is approved, recognized as accredited, or required for certification in sonography by:

- (1) The American Registry of Radiologic Technologists;
- (2) The American Registry for Diagnostic Medical Sonography; or
- (3) Cardiovascular Credentialing International.

(c) As required by RSA 328-J:11, VII(d), the applicant shall possess current certification and registration in sonography from:

- (1) The American Registry of Radiologic Technologists;
- (2) The American Registry of Diagnostic Medical Sonography; or
- (3) Cardiovascular Credentialing International.

Plc 1304.08 Qualifications for Cardiac Electrophysiology Specialist.

(a) As required by RSA 328-J:11, VIII(a) and (b), to qualify for a license as a cardiac electrophysiology specialist, an applicant shall:

- (1) Be at least 18 years of age; and
- (2) Have obtained a high school diploma or have passed an approved equivalency test.

(b) The course of study in cardiac electrophysiology required by RSA 328-J:11, VIII(c) shall be a course of study that is approved, recognized as accredited, or required for certification as a registered cardiac electrophysiology specialist (RCES) by Cardiovascular Credentialing International.

(c) As required by RSA 328-J:11, VIII(d), the applicant shall possess current certification in radiography as an RCES from Cardiovascular Credentialing International.

Plc 1304.09 Qualifications for Cardiovascular Invasive Specialist.

(a) As required by RSA 328-J:11, IX(a) and (b), to qualify for a license as a cardiovascular invasive specialist, an applicant shall:

- (1) Be at least 18 years of age; and
- (2) Have obtained a high school diploma or have passed an approved equivalency test.

(b) The course of study in cardiovascular invasive procedures required by RSA 328-J:11, IX(c) shall be a course of study that is approved, recognized as accredited, or required for certification as a registered cardiovascular invasive specialist (RCIS) by Cardiovascular Credentialing International.

(c) As required by RSA 328-J:11, IX(d), the applicant shall possess current certification in radiography as an RCIS from Cardiovascular Credentialing International.

Plc 1304.10 Qualifications for a License in Computed Tomography.

(a) As required by RSA 328-J:11, X(a) and (b), to qualify for a license in computed tomography, an applicant shall:

- (1) Be at least 18 years of age; and
- (2) Have obtained a high school diploma or have passed an approved equivalency test.

(b) The course of study in computed tomography required by RSA 328-J:11, X(c) shall be a course of study that is approved, recognized as accredited, or required for certification in computed tomography by:

- (1) The American Registry of Radiologic Technologists; or
- (2) The Nuclear Medicine Technology Certification Board.

(c) As required by RSA 328-J:11, X(d), the applicant shall possess current certification and registration in computed tomography from:

- (1) The American Registry of Radiologic Technologists; or
- (2) The Nuclear Medicine Technology Certification Board.

Plc 1304.11 Additional Qualification for All Applicants.

(a) Pursuant to RSA 328-J:7, VII, each applicant for licensure under RSA 328-J shall satisfy the executive director that the applicant will faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

(b) To meet the requirements of (a), above, each applicant shall provide evidence of good professional character and reliability by:

- (1) Answering the background and character questions on the application as required by Plc 1305.02(n); and
- (2) Arranging for a criminal records check or confirmation of military security clearance to be sent to the licensing bureau as required by Plc 1305.01(c) or (d), as applicable.

PART Plc 1305 INITIAL LICENSURE

Plc 1305.01 Applying for Initial Licensure.

(a) Any individual who meets the applicable qualifications in Plc 1304 and wishes to become licensed in New Hampshire to practice one of the regulated MIRT professions shall submit an application for licensure in accordance with this section.

(b) Each applicant for initial licensure shall submit to the licensing bureau:

- (1) An “Application for Initial MIRT License” dated November 2022, that contains the information specified in Plc 1305.02 and the affidavit specified in Plc 1305.04;
- (2) The documentation identified in Plc 1305.03; and
- (3) An application processing fee of \$155.

(c) Subject to (d), below, each applicant shall also complete the process established by the New Hampshire department of safety (NHDOS) for requesting a criminal records check, accessible via the NHDOS website at <https://www.nh.gov/safety/> or directly at <https://services.dos.nh.gov/chri/cpo/>, including paying any required fee and directing that the results be sent to the OPLC.

(d) Pursuant to RSA 328-J:7-a, IV, an applicant who is actively serving in any component of the U.S. Department of Defense who has a current military security clearance may arrange for confirmation of the security clearance to be sent to the licensing bureau in lieu of obtaining a criminal records check.

Plc 1305.02 Information Required for Initial License Application. The applicant for an initial license to practice a regulated MIRT profession shall provide the following information:

- (a) The specific regulated MIRT profession in which the applicant is seeking licensure;
- (b) The applicant’s full legal name including any suffix such as “Jr.” or “III”, and any other name(s) under which the applicant holds or has held a professional license;
- (c) The applicant’s date of birth by month, day, and year;
- (d) The applicant’s gender assigned at birth, to be used solely for purpose of workforce data analysis by New Hampshire employment security;
- (e) The applicant’s social security number as required by RSA 161-B:11, VI-a and 42 U.S.C. 666(a)(13);
- (f) The applicant’s home physical address by street name and number, apartment number if applicable, municipality, county, state, zip code, and country if not the U.S., and home mailing address if different;
- (g) The applicant’s home or other personal telephone number;
- (h) The applicant’s designated e-mail address;
- (i) Whether the applicant speaks English as the primary language and, if not, the applicant’s primary language and any other secondary language(s);
- (j) Whether the applicant is actively serving in the U.S. armed forces or is applying for facilitated licensure as the spouse of someone actively serving in the U.S. armed forces;
- (k) Information about the applicant’s education, as follows:

- (1) Whether the applicant graduated from high school or obtained an equivalent; and
- (2) For each educational institution attended by the applicant for courses related to the regulated MIRT profession in which the applicant is applying to be licensed, the following:
 - a. The name, address, and URL of the institution;
 - b. The dates attended; and
 - c. The date on which the applicant graduated or otherwise completed the courses;
- (l) Identification of the applicant's credentialing organization or, for applicants for a limited x-ray machine operator license, the credentialing organization that administered the examination taken by the applicant;
- (m) A list of each jurisdiction in which the applicant holds or has held a license to practice in a regulated MIRT profession and for each:
 - (1) The license number;
 - (2) The status of the license, such as active, expired, suspended, revoked, or denied renewal;
 - (3) The date of initial licensure;
- (n) A chronologically-organized list of the applicant's paid and voluntary work experience in the applicant's regulated MIRT profession for the prior 5 years that includes, for each separate experience, the organization for which the applicant worked or volunteered, the position held, the beginning and end dates, and the city and state in which the position was located, provided that the list may be a résumé;
- (o) The name, location, and telephone number where the applicant works or intends to work, if known;
- (p) A "yes" or "no" answer to the following questions relating to background and character:
 - (1) Whether the applicant is now or has any reason to believe that the applicant will soon be the subject of a disciplinary proceeding, settlement agreement, or consent decree undertaken or issued by a professional licensing board of any jurisdiction;
 - (2) Whether any malpractice claim has been made against the applicant within the past 10 years;
 - (3) Whether the applicant has, for disciplinary reasons, been put on administrative leave, been fired for cause other than staff reductions from a position at the applicant's place of employment, or had any privileges limited, suspended, or revoked in any hospital, health care setting, home health care agency, educational institution, or other professional setting within the past 10 years;
 - (4) Whether the applicant has been denied the privilege of taking an examination required for any professional licensure within the past 10 years;
 - (5) Whether the applicant has committed any act(s) within the past 10 years that would violate the laws or rules that govern the profession for which the applicant is applying;
 - (6) Whether the applicant has ever been found guilty of or entered a plea of no contest to any felony that is related to professional practice;
 - (7) Whether the applicant has been found guilty of or entered a plea of no contest to, within the past 10 years, any felony that is not related to professional practice, or any misdemeanor;

- (8) Whether the applicant has been the subject of any disciplinary action by any professional licensing authority within the past 10 years;
- (9) Whether the applicant has, within the past 10 years, been denied a license or other authorization to practice in any jurisdiction; and
- (10) Whether the applicant has, within the past 10 years, surrendered a license or other authorization to practice issued by any jurisdiction in order to avoid or settle disciplinary charges;
- (q) Whether the applicant consents to the disclosure to third parties of any or all of the applicant's personal contact information; and
- (r) Whether the applicant has an ownership interest in any diagnostic or therapeutic service(s) or company(ies), and if so the name and address of each company and the specific diagnostic or therapeutic services provided by the company, to comply with RSA 125:25-c.

Plc 1305.03 Documentation Required for Initial License Application. The applicant shall provide the following with an application for initial licensure, as applicable:

- (a) If the applicant is applying for licensure as other than a radiologist assistant, the following:
 - (1) Proof of being at least 18 years of age, such as a copy of an official government identification card or driver's license showing a date of birth or a copy of the applicant's birth certificate; and
 - (2) A copy of the applicant's high school diploma or equivalency certificate;
- (b) For applicants applying for a limited x-ray machine operator license:
 - (1) A copy of a transcript from the educational institution identified pursuant to Plc 1305.02(k); and
 - (2) Evidence that the applicant passed the examination required by RSA 328-J:11, I(d), in the form of:
 - a. A notification sent to the applicant by mail or electronically by the credentialing organization; or
 - b. The URL of a web site that confirms the applicant passed the examination;
- (c) For other than applicants for a limited x-ray machine operator license, proof of the applicant's current certification required by the applicable provision of RSA 328-J:11, as reflected in the applicable section in Plc 1304.02 through Plc 1304.10, in the form of a photocopy of the certification card or certificate or a link to the certifying organization's website that shows the applicant is certified; and
- (d) If the applicant answered "yes" to any question in Plc 1305.02(p), a clear written explanation detailing the circumstances surrounding each answer that includes the date(s), reason(s), and any other information the applicant believes is relevant.

Plc 1305.04 Affidavit Required for Initial License Application.

- (a) As required by RSA 328-J:13, I, the applicant for an initial license shall sign and date an affidavit under oath or affirmation to submit with the application, provided that once the application is available via an on-line portal, a copy of the fully executed affidavit in PDF shall be submitted with the application.

(b) The affidavit shall constitute the applicant's attestation under pains and penalties of perjury that:

- (1) The information and documentation provided are true, complete, and not misleading to the best of the applicant's knowledge and belief;
- (2) The applicant has read RSA 328-J and Plc 1300 and agrees to comply with all applicable provisions if a license is issued to the applicant;
- (3) The applicant understands that providing false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and
- (4) The applicant understands that knowingly providing false information constitutes a misdemeanor under RSA 641 relative to falsification in official matters.

Plc 1305.05 Initial Review of Applications for Initial Licensure; Abandonment.

(a) Within 30 days of receipt of an application submitted pursuant to Plc 1305.01, the licensing bureau shall:

- (1) Accept the application as being complete; or
- (2) Determine that the application is incomplete and notify the applicant in writing sent to the applicant's designated email address that the application is incomplete, specifying what the applicant needs to submit to complete the application.

(b) A notice of incompleteness sent pursuant to (a)(2), above, shall inform the applicant that the application will be deemed to have been abandoned if the application is not completed within 60 days unless a request for additional time is made as specified in (d), below.

(c) An applicant who is unable to complete the application by the specified deadline due to circumstances beyond the control of the applicant may request additional time to complete the application as specified in (d), below.

(d) A request for additional time to complete an application shall:

- (1) Be submitted in writing to the licensing bureau no later than the deadline specified for completing the application;
- (2) Clearly explain why the application cannot be completed by the deadline; and
- (3) Identify the date by which the applicant will complete the application, which shall be no later than 60 days after the original deadline.

(e) The licensing bureau shall grant additional time to complete the application if the applicant is prevented by circumstances beyond the applicant's control from completing the application and requests additional time as specified in (d), above.

(f) An application shall be deemed abandoned, and no decision shall be made to approve or deny the application, if the applicant submits an incomplete application for initial licensure and either:

- (1) Does not provide the required information and does not request additional time to complete the application as specified in (d), above; or
- (2) Requests and receives additional time to complete the application but does not submit the required information by the new deadline.

(g) If the application is abandoned, the application processing fee shall not be refunded.

Plc 1305.06 Withdrawal of Application for Initial Licensure.

(a) An applicant may withdraw the applicant's application for licensure at any time prior to being notified of a decision under Plc 1305.07.

(b) To withdraw an application, the applicant shall submit written notice to the licensing bureau that clearly states the applicant's intention to withdraw the application and clearly identifies the name in which the application was submitted, the date the application was submitted, and the profession for which the application was submitted.

(c) Upon receipt of a notice of withdrawal, the licensing bureau shall cease processing the application and mark the file to indicate the application was voluntarily withdrawn by the applicant.

(d) If the application is withdrawn, the application processing fee shall not be refunded.

Plc 1305.07 Review of Complete Applications for Initial Licensure; Decisions.

(a) After determining that an application is complete, the licensing bureau shall review the application to determine whether the applicant meets all criteria for licensure.

(b) The licensing bureau shall issue a license to any applicant who:

(1) Meets the statutory qualifications referenced in the applicable provisions of Plc 1304.01 through Plc 1304.10;

(2) Has demonstrated good character as specified in Plc 1304.11; and

(3) Has submitted an application that meets all requirements of Plc 1305.01.

(c) The licensing bureau shall notify the applicant of the decision on the application in writing sent to the applicant's designated email address.

(d) If the licensing bureau determines that the applicant has not demonstrated that all requirements to obtain a license are met, then:

(1) The licensing bureau shall conditionally deny the application; and

(2) The notice sent pursuant to (c), above, shall inform the applicant that the decision will become final in 30 days unless the applicant requests a hearing in writing within 30 days.

(e) If the application is denied, the application processing fee shall not be refunded.

Plc 1305.08 Initial Licenses: Issuance and Duration.

(a) Each initial license issued under this chapter shall specify:

(1) The name of the licensee;

(2) The effective date of the license;

(3) The license number; and

(4) The regulated MIRT profession in which the licensee is licensed.

(b) An initial license shall:

- (1) As provided in RSA 310-A:1-h, III, be valid for 2 years provided that the timely filing of a complete renewal application shall continue the validity of the license being renewed until final action is taken on the renewal application;
- (2) Expire on the last day of the month in which the license was issued unless a timely and complete renewal application is filed or the license is sooner suspended or revoked in accordance with Plc 1311; and
- (3) Be subject to renewal.

Plc 1305.09 Facilitated Licensing for Active Duty Military Spouses.

(a) Each applicant for licensure who is a military spouse pursuant to RSA 332-G:7, III shall apply for licensure as provided in Plc 1305.01, except that no fee shall be required.

(b) In addition to the items required by Plc 1305.01, an applicant for facilitated licensing as a military spouse shall provide:

- (1) Proof of the military member's service status in the form of verification from the Defense Finance and Accounting Service at <https://www.dfas.mil/garnishment/verifyservice/>; and
- (2) Proof of marriage in the form of:
 - a. A copy of the front and back of the applicant's current military spouse identification card; or
 - b. A copy of the applicant's official marriage certificate, and, if the certificate is not in English, an English translation of the certificate that is certified by the translator as being an accurate translation.

(c) Each applicant who applies for facilitated licensing as a military spouse shall be eligible to obtain a facilitated license if the military spouse is licensed or registered in another state or jurisdiction, provided that the other state's or jurisdiction's licensure or registration requirements are substantially equivalent to or greater than New Hampshire's requirements as described in Plc 1304.

(d) A military spouse who obtains a facilitated license shall comply with all license renewal requirements specified in Plc 1309 if the military spouse remains in New Hampshire after the term of the initial license and wishes to continue to work in a regulated MIRT profession in New Hampshire.

PART Plc 1306 TEMPORARY LICENSES

Plc 1306.01 Availability of Temporary License. A temporary license shall be available pursuant to RSA 328-J:13 to any individual who:

(a) If applying for a limited x-ray machine operator license, has:

- (1) Completed the course of study required by RSA 328-J:11, I(c), as reflected in Plc 1304.01(b); and
- (2) Has taken an examination required by RSA 328-J:11, I(d), as reflected in Plc 1304.01(c); or

(b) If applying for other than a limited x-ray machine operator license, has completed the process of applying for the certification and registration required by the applicable paragraph in RSA 328-J:11, II-X, as reflected in Plc 1304.02 through Plc 1304.10, but has not yet received certification and registration.

Plc 1306.02 Applying for a Temporary License. To apply for a temporary license under RSA 328-J:13, the applicant shall:

- (a) Submit an application for initial licensure as provided in Plc 1305;
- (b) Submit an “Application For Temporary MIRT License” dated November 2022, that includes the information required by Plc 1306.03 and the affidavit specified in Plc 1306.04;
- (c) As required by RSA 328-J:7-a, I, obtain a criminal background check in the same manner as for initial license applications in Plc 1305.01(c), provided that if the application for initial licensure is being submitted concurrently, a second criminal background check shall not be required; and
- (d) Pay the temporary license application fee specified in Plc 1001.

Plc 1306.03 Information Required for Application for Temporary License. The applicant for a temporary license to practice a regulated MIRT profession under RSA 328-J:13 shall provide the following information:

- (a) The specific regulated MIRT profession in which the applicant is seeking licensure;
- (b) The applicant’s full legal name including any suffix such as “Jr.” or “III”, and any other name(s) in which the applicant holds or has held a license to practice a regulated MIRT profession;
- (c) The applicant’s date of birth by month, day, and year;
- (d) The applicant’s social security number as required by RSA 161-B:11, VI-a and 42 U.S.C. 666(a)(13);
- (e) The applicant’s home physical address by street name and number, apartment number if applicable, municipality, county, state, and country if not the U.S., and home mailing address if different;
- (f) The applicant’s home or other personal telephone number;
- (g) The applicant’s designated email address;
- (h) The name, location, and telephone number where the applicant works or intends to work, if known; and
- (i) The following information relative to meeting the statutory requirements in RSA 328-J:11:
 - (1) If applying for a limited x-ray machine operator temporary license:
 - a. The name of the educational institution attended by the applicant;
 - b. The date the required course of study was completed; and
 - c. The name of the credentialing organization that administered the required examination and the examination taken; or
 - (2) If applying for other than a limited x-ray machine operator temporary license:
 - a. The name of the credentialing organization to which the applicant has applied for certification and registration; and
 - b. The date the applicant completed the process of applying for certification and registration.

Plc 1306.04 Signature and Attestation Required for Application for Temporary License.

(a) As required by RSA 328-J:13, I, the applicant for a temporary license shall sign and date an affidavit under oath or affirmation to submit with the application, provided that once the application is available via an on-line portal, a copy of the affidavit in PDF shall be submitted with the application.

(b) The affidavit shall constitute the applicant's attestation under pains and penalties of perjury that:

- (1) The information provided on or with the application is true, complete, and not misleading to the best of the applicant's knowledge and belief;
- (2) The applicant has read RSA 328-J and Plc 1300, and agrees to comply with all applicable requirements if a temporary license is issued to the applicant;
- (3) The applicant has not committed any act(s) that are grounds for disciplinary action in New Hampshire or any other jurisdiction;
- (4) The applicant understands that submitting false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and
- (5) The applicant understands that knowingly providing false information constitutes a misdemeanor under RSA 641 relative to falsification in official matters.

Plc 1306.05 Processing of Applications for Temporary License; Issuance.

(a) Upon receipt of an application for temporary license, the licensing bureau shall review the application to determine whether the applicant has:

- (1) Submitted an application for initial licensure as provided in Plc 1305;
- (2) Sworn or affirmed the personal affidavit as specified in Plc 1306.04;
- (3) Paid the temporary license application fee required by Plc 1306.02(c);
- (4) If applying for a limited x-ray machine operator temporary license, has completed the course of education and taken the examination required by RSA 328-J:11, I; and
- (5) If applying for other than a limited x-ray machine operator temporary license, has completed the process of applying for the required certification and registration.

(b) If the application demonstrates that the applicant has met the criteria for a temporary license specified in (a), above, the licensing bureau shall issue a temporary license to the applicant.

(c) If the application does not demonstrate that the applicant has met the criteria for a temporary license specified in (a), above, the licensing bureau shall notify the applicant in writing sent to the applicant's designated email address that the temporary license has been denied.

(d) A notice sent pursuant to (c), above, shall inform the applicant that if the applicant wishes to challenge the denial, the applicant shall file an appeal within 30 days of the date of the notice.

(e) Denial of a temporary license shall not automatically result in denial of a regular license.

Plc 1306.06 Duration of Temporary License; Obligations of Temporary Licensees.

(a) A temporary license shall be valid for 120 days from the date of issuance unless:

- (1) A final decision is made on the application for initial licensure prior to that date; or

- (2) The temporary license is suspended or revoked pursuant to Plc 1311.
- (b) The holder of a temporary license shall:
 - (1) Comply with Plc 1308.03 relative to required notifications and Plc 1308.05 relative to posting of licenses; and
 - (2) Be subject to the ethical and professional standards identified in Plc 1310 and the disciplinary procedures and sanctions identified in Plc 1311.

PART Plc 1307 SCOPE OF PRACTICE

Plc 1307.01 Limitations on Practice for All Licensees. Pursuant to RSA 328-J:12, no licensee shall use radioactive substances or equipment emitting ionizing radiation, magnetic resonance, or ultrasound for medical imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes unless he or she does so:

- (a) With the prescription of an individual authorized to prescribe medical imaging or radiation therapy procedures;
- (b) Under the supervision of a licensed practitioner; and
- (c) Within the scope of the regulated MIRT profession in which the licensee is licensed.

Plc 1307.02 Scope of Practice for Licensed Limited X-Ray Machine Operators. As provided in RSA 328-J:12, III:

- (a) Limited x-ray machine operators shall perform tasks only if the tasks are:
 - (1) Within the scope of the license issued to them under RSA 328-J; and
 - (2) Performed under the direct supervision of a licensed practitioner or licensed radiographer for a particular area of human anatomy; and
- (b) Limited x-ray machine operators shall not perform:
 - (1) Computed tomography;
 - (2) Fluoroscopy;
 - (3) Magnetic resonance imaging;
 - (4) Mammography;
 - (5) Radiation therapy;
 - (6) Sonography;
 - (7) Mobile imaging procedures; or
 - (8) Imaging procedures using contrast media.

Plc 1307.03 Scope of Practice for Licensed Magnetic Resonance Technologists. The scope of practice for magnetic resonance technologists shall be as follows:

- (a) If certified by the ARRT, the “Magnetic Resonance Practice Standards” adopted by the American Society of Radiologic Technologists (ASRT), effective June 26, 2022, available at <https://www.asrt.org/main/standards-regulations/practice-standards/practice-standards> by clicking on

“Read The ASRT Practice Standards for Medical Imaging and Radiation Therapy” and as noted in Appendix B; or

(b) If certified by the ARMTRIT, the scope of practice outlined by the United States department of labor research contractor O*NET Online under the heading “Tasks”, available at <https://www.onetonline.org/link/summary/29-2035.00> and as reprinted in Appendix C on October 11, 2022.

Plc 1307.04 Scope of Practice for Licensed Nuclear Medicine Technologists. The scope of practice for nuclear medicine technologists shall be as set forth in the “Nuclear Medicine Technologist Scope of Practice and Performance Standards”, 2nd Edition, approved June 9, 2022 by the Society of Nuclear Medicine and Molecular Imaging Technologist Section, available at <http://www.snmmti.org/ClinicalPractice/content.aspx?ItemNumber=5532> and as noted in Appendix B.

Plc 1307.05 Scope of Practice for Licensed Radiation Therapists. The scope of practice for radiation therapists shall be the ASRT’s “Radiation Therapy Practice Standards”, effective June 26, 2022, available at <https://www.asrt.org/main/standards-regulations/practice-standards/practice-standards> by clicking on “Read The ASRT Practice Standards for Medical Imaging and Radiation Therapy” and as noted in Appendix B.

Plc 1307.06 Scope of Practice for Licensed Radiographers. The scope of practice for radiographers certified by the ARRT shall be the ASRT’s “Radiography Practice Standards”, effective June 26, 2022, available at <https://www.asrt.org/main/standards-regulations/practice-standards/practice-standards> and as noted in Appendix B.

Plc 1307.07 Scope of Practice for Licensed Radiologist Assistants.

(a) As required by RSA 328-J:11, VI(c), the scope of practice for licensed radiologist assistants shall be the most recent version of the Radiologist Assistant Practice Standards published by the ASRT, available at www.asrt.org/main/standards-regulations/practice-standards by clicking on “Read The ASRT Practice Standards for Medical Imaging and Radiation Therapy” and as noted in Appendix B.

(b) As provided in RSA 328-J:12, IV, a licensed radiologist assistant shall not interpret images, make diagnoses, or prescribe medications or therapies.

Plc 1307.08 Scope of Practice for Licensed Sonographers. The scope of practice for licensed sonographers shall be as follows:

(a) If certified by the American Registry for Diagnostic Medical Sonography, the Society of Diagnostic Medical Sonography’s (SDMS) “Scope of Practice and Clinical Standards for the Diagnostic Medical Sonographer” dated April 13, 2015, published by the Society of Diagnostic Medical Sonography, available at <http://www.sdms.org/about/who-we-are/scope-of-practice> and as noted in Appendix B;

(b) If certified by the ARRT, the ASRT’s “Sonography Practice Standards”, effective June 26, 2022, available at <https://www.asrt.org/main/standards-regulations/practice-standards/practice-standards> by clicking on “Read The ASRT Practice Standards for Medical Imaging and Radiation Therapy” and as noted in Appendix B; or

(c) If certified by CCI, the scope of practice described in “Scope of Practice and Clinical Standards for the Diagnostic Medical Sonographer,” effective April 13, 2015, published by the Society of Diagnostic Medical Sonography, available at <http://www.sdms.org/about/who-we-are/scope-of-practice> and as noted in Appendix B.

Plc 1307.09 Scope of Practice for Licensed Cardiac Electrophysiology Specialist.

(a) The scope of practice for licensees certified by CCI as an RCES shall be the “Scope of Practice for the Registered Cardiovascular Electrophysiology Specialist (RCES)” dated 2017, available online at <https://www.acp-online.org/advocacy/scopes-of-practice/>.

(b) Within the scope identified in (a), above, the term “direct supervision” means having a physician in the room where the procedure is taking place.

Plc 1307.10 Scope of Practice for Licensed Cardiovascular Invasive Specialist.

(a) The scope of practice for licensees certified by CCI as an RCIS, shall be the “Scope of Practice for the Registered Cardiovascular Invasive Specialist (RCIS)” dated 2018, available online at <https://www.acp-online.org/advocacy/scopes-of-practice/> and as noted in Appendix B.

(b) Within the scope identified in (a), above, the term “direct supervision” means having a physician in the room where the procedure is taking place.

Plc 1307.11 Scope of Practice for Licensees in Computed Tomography. The scope of practice for licensees in computed tomography shall be the ASRT’s “Magnetic Resonance Practice Standards”, effective June 26, 20227, available at <https://www.asrt.org/main/standards-regulations/practice-standards/practice-standards> by clicking on “Read The ASRT Practice Standards for Medical Imaging and Radiation Therapy” and as noted in Appendix B.

PART Plc 1308 LICENSEE OBLIGATIONS; CONTINUING EDUCATION

Plc 1308.01 Purpose and Applicability; Definition.

(a) The purpose of this part is to identify requirements relating to certification and registration, notifications, license renewal, and maintenance of continuing competence with which every individual licensed under RSA 328-J and Plc 1300 shall comply.

(b) This part shall apply to every individual licensed under RSA 328-J and Plc 1300.

(c) For purposes of this part, “accredited institution” means a college, university, or other educational institution that:

- (1) Offers instruction above the high school level; and
- (2) Is accredited by an accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education or training or higher education program(s) it accredits, as reflected at https://www2.ed.gov/admins/finaid/accred/accreditation_pg3.html#RegionalInstitutional.

Plc 1308.02 Licensee Obligation to Maintain Certification and Registration. Each licensee shall maintain the applicable certification and registration specified in Plc 1304.01 through Plc 1304.10 at all times.

Plc 1308.03 Licensee Obligations to Notify.

(a) Each licensee shall:

- (1) Notify the licensing bureau within 10 working days when a change in name occurs; and
- (2) Update the OPLC’s records within 10 working days when a change of personal telephone number, designated email address, or home or business address occurs.

(b) As required by RSA 328-J:17, a licensee shall submit written notification to the licensing bureau within 30 days of any legal or disciplinary action, other than minor traffic infractions or proceedings, that are initiated:

(1) Against the licensee, for acts or conduct substantially the same as acts or conduct that would constitute grounds for suspension, denial, modification, limitation, revocation, or refusal to renew a license; and

(2) By any of the following:

- a. Any other licensing jurisdiction whether United States or foreign;
- b. Any health care institution;
- c. Any professional society or association;
- d. Any certification organization or any credentialing organization;
- e. Any government agency, including but not limited to any law enforcement agency; or
- f. Any court.

Plc 1308.04 Licensee Responsibilities for Renewal. Each licensee shall:

(a) Know when the license is due to expire; and

(b) File an application for renewal prior to the expiration of the current license in accordance with Plc 1309.03 if he or she wishes to continue to practice in New Hampshire.

Plc 1308.05 Posting of License Required.

(a) As required by RSA 328-J:13, IV, any person issued a license under this chapter shall display the official license document or a verified copy in each place of regular employment.

(b) Any person issued a temporary license to practice a regulated MIRT profession under RSA 310-A:1-p shall display a copy of the temporary license in each place of regular employment.

Plc 1308.06 Continuing Competence Required.

(a) Licensees intending to renew their licenses shall maintain continuing competence by completing 24 hours of continuing education or other professional activities, as described in Plc 1308.07, in each 2-year renewal cycle.

(b) Individuals who have been licensed within the past 2 years in another state and wish to renew an initial New Hampshire license that expires in less than 2 full years may apply continuing education earned outside of the New Hampshire license period of validity, but within the 2-year renewal cycle, towards the requirement in (a), above.

(c) Continuing education courses taken to satisfy the applicable credentialing organization's requirements for renewing credentials shall count towards the required 24 hours at the same number of hours assigned by the credentialing organization.

(d) At least one half of the hours required by (a), above, shall be continuing education approved by the relevant credentialing organization, as specified in Plc 1304.01 through Plc 1304.10.

(e) The balance of the hours required by (a), above, shall be:

- (1) Continuing education as specified in (d), above; or

(2) Education or professional activities as described in Plc 1308.07 in the areas of supervision skills, curriculum development, trans-disciplinary issues or skills, infection control, or radiation safety.

Plc 1308.07 Creditable Continuing Education and Professional Activities. The following continuing education courses and professional activities shall qualify as meeting continuing competence requirements:

- (a) Receipt of academic instruction in one or more of the regulated MIRT professions, as further described in Plc 1308.09;
- (b) Non-academic courses, seminars, conferences, and workshops, as further described in Plc 1308.10;
- (c) Facility-based in-service training, as further described in Plc 1308.11;
- (d) Publication of writing related to medical imaging or radiation therapy, as further described in Plc 1308.12;
- (e) Professional presentations relating to medical imaging or radiation therapy made to other professionals or the public, as further described in Plc 1308.13;
- (f) Participation in the work of professional boards or committees, as further described in Plc 1308.14;
- (g) Completion of self-directed education, as further described in Plc 1308.15;
- (h) Teaching an academic course in medical imaging or radiation therapy, as further described in Plc 1308.16;
- (i) Receipt of infection control education, as further described in Plc 1308.17; and
- (j) Radiation safety courses, as further described in Plc 1308.18.

Plc 1308.08 Documentation Requirements: Audits.

(a) Upon being notified by the OPLC that a third-party organization is under contract to manage continuing competence compliance through an on-line system, each licensee shall use the on-line system to track and report the completion of continuing competence activities.

(b) Until an on-line system becomes available, each licensee shall retain documentation of the licensee's participation in continuing competence for not less than 3 years.

(c) Until an on-line system becomes available, the executive director shall audit licensee participation in continuing competence by:

- (1) Randomly selecting 10% of licensees each year to be audited; and
- (2) Notifying each selected licensee of the audit by email sent to the personal email address on record.

(c) The notice sent pursuant to (b)(2), above, shall direct the licensee to submit the licensee's documentation for the preceding 3 years to the executive director by a specified date, which shall be no sooner than 30 days from the date of the notice.

(d) A licensee selected for audit shall submit the original documentation for each course to the executive director no later than the date specified in the notice.

(e) Failure to submit documentation when directed to do so shall constitute a violation of these rules that subjects the licensee to disciplinary action.

Plc 1308.09 Receipt of Academic Instruction.

(a) A licensee may claim credit towards the continuing competence requirement for successful completion of an academic course in one or more of the regulated MIRT professions, provided that the course work is sponsored and assigned credit by an accredited institution.

(b) The licensee may claim 5 hours towards the required total for each academic credit of course work described in (a), above.

(c) Documentation of successful completion of academic course work shall be:

- (1) An official transcript showing successful completion of the course, the date of the course, and the credits earned; and
- (2) One of the following descriptions of the course:
 - a. The description of the course copied from the institution's catalog; or
 - b. A photocopy of the course syllabus or outline that includes a description of the course and the course competencies.

Plc 1308.10 Non-Academic Courses, Seminars, Conferences, and Workshops.

(a) A licensee may claim credit towards the continuing competence requirement for the successful completion of non-academic courses, seminars, conferences, and workshops in medical imaging or radiation therapy, provided that the program is presented as live programming as defined in Plc 1302.

(b) The licensee may claim one hour for each clock hour of attendance.

(c) Documentation of successful completion of non-academic courses, seminars, conferences, and workshops shall be an official certificate showing:

- (1) The licensee's name;
- (2) The name and location of the course, seminar, conference, or workshop;
- (3) The name of the provider or sponsoring entity;
- (4) The beginning and ending date(s) of the program, course, seminar, conference, or workshop;
- (5) The number of hours credited by the provider or sponsoring entity or the brochure showing the scheduled hours; and
- (6) The signature or stamp of the speaker, the instructor or a representative of the provider or sponsoring entity.

Plc 1308.11 Facility-Based In-Service Training.

(a) A licensee may claim credit towards the continuing competence requirement for participation in, or attendance at, a facility-based training consisting of continuing education lasting 2 hours or less.

(b) The licensee may claim one contact hour for each clock hour of participation or attendance, to a maximum of 4 hours per renewal cycle.

(c) Documentation of participation in, or attendance at, a facility-based in-service training shall be a memo from the licensee's supervisor stating:

- (1) The licensee's name;
- (2) The name of the facility;
- (3) The date and duration of the in-service training;
- (4) The topic of the in-service training; and
- (5) The licensee's hours of attendance, if less than the training's duration.

Plc 1308.12 Publication of Writing Related to Medical Imaging or Radiation Therapy.

(a) A licensee may claim credit towards the continuing competence requirement for the publication of a licensee's writing related to medical imaging or radiation therapy, including books, peer-reviewed and non-peer-reviewed chapters of books, and peer-reviewed and non-peer-reviewed articles.

(b) The licensee may claim no more than 12 contact hours per renewal cycle in accordance with the following:

- (1) For a book:
 - a. If the licensee was the sole or primary author, 12 contact hours; and
 - b. If the licensee was a co-author or secondary author, 6 contact hours;
- (2) For a peer-reviewed chapter of a book or a peer-reviewed article:
 - a. If the licensee was the sole or primary author, 6 contact hours; and
 - b. If the licensee was a co-author or secondary author, 3 contact hours; and
- (3) For a non-peer-reviewed chapter or article:
 - a. If the licensee was the sole or primary author, 4 contact hours; and
 - b. If the licensee was a co-author or secondary author, 2 contact hours.

(c) Documentation of the publication of a licensee's writing related to medical imaging or radiation therapy shall be:

- (1) Any item showing:
 - a. The title of the writing;
 - b. The date of publication;
 - c. Whether the writing was peer-reviewed; and
 - d. Whether the licensee was a sole or primary author of the published writing; and
- (2) A photocopy of:
 - a. The cover or the dust jacket of the licensee's published book; or
 - b. The licensee's published chapter or article.

Plc 1308.13 Professional Presentations Relating to Medical Imaging or Radiation Therapy.

(a) A licensee may claim credit towards the continuing competence requirement for professional presentations relating to medical imaging or radiation therapy, including workshops, lectures, and in-service trainings, made to other professionals or to the public.

(b) The licensee may claim 2 hours for each clock hour of a presentation, to a maximum of 8 hours per renewal cycle, provided that if the licensee gives substantially the same presentation more than once, the licensee shall receive credit for a single presentation only.

(c) Documentation of a professional presentation relating to medical imaging or radiation therapy made to other professionals or to the public shall be:

- (1) The official program of the presentation;
- (2) A written statement signed by a representative of the program's sponsor including:
 - a. The title of the presentation;
 - b. The name of the licensee as presenter;
 - c. The date of the presentation;
 - d. The hours during which the presentation took place; and
 - e. The type of audience attending the presentation; or
- (3) A program brochure showing the information described in (2) above.

Plc 1308.14 Participation in the Work of Professional Boards and Committees.

(a) A licensee may claim credit towards the continuing competence requirement for participating as a member in the work of a board or committee of a professional medical imaging and radiation therapy organization or government agency related to the practice of medical imaging.

(b) The licensee may claim 2 hours for each board or committee on which the licensee serves or served, to a maximum of 4 hours per renewal cycle.

(c) Documentation of participation in the work of a professional board or committee as a member shall be a letter conforming to (d), below, and issued by:

- (1) The authority appointing the licensee to the board or committee; or
 - (2) The chair or chair-equivalent of the board or committee, provided that if the licensee is the chair or chair-equivalent, the letter shall be issued by 2 members of the board or committee.
- (d) The letter shall:
- (1) Establish the appointment of the licensee to the board or committee or identify the beginning and ending dates of the licensee's participation; and
 - (2) Be signed by the chair or chair-equivalent of the board or committee, provided that if the licensee is the chair or chair-equivalent, the letter shall be signed by 2 members of the board or committee.

Plc 1308.15 Completion of Self-Directed Education.

(a) A licensee may claim credit towards the continuing competence requirement for completing self-directed education as defined in Plc 1302, provided that the course sponsor or provider issues the documentation described in (c), below.

(b) The licensee may claim the hours attributed by the course sponsor or provider.

(c) Documentation of self-directed education shall be:

(1) An official transcript showing successful completion of the course, the date of the course and the credits earned; or

(2) The official certificate of completion issued to the licensee by the course sponsor or provider showing:

a. The licensee's name;

b. The name of the course;

c. The name of the provider or sponsor;

d. The beginning and ending date(s) of the course, if applicable;

e. The number of contact hours credited by the provider or sponsor; and

f. The printed name and signature or stamp of the instructor or a representative of the provider or sponsor.

Plc 1308.16 Teaching a Medical Imaging or Radiation Therapy Academic Course.

(a) A licensee may claim credit towards the continuing competence requirement for teaching an academic course relevant to the medical imaging or radiation therapy profession.

(b) The licensee may claim 2 hours for each clock hour of teaching, to a maximum of 8 hours per renewal cycle, provided that:

(1) The course is sponsored by an accredited institution;

(2) If the licensee gives substantially the same course more than once during the renewal cycle, the licensee shall claim credit for a single presentation of the course only; and

(3) If the licensee gives a course that includes a lab component, the licensee shall not claim credit for repeating a presentation in the laboratory.

(c) Documentation of medical imaging teaching shall be:

(1) For each course taught, a copy of the institution's catalog showing a description of the course; and

(2) A dated letter of confirmation or appointment signed by an official of the institution sponsoring the course(s).

Plc 1308.17 Receipt of Infection Control Education.

(a) A licensee may claim credit towards the continuing competence requirement for receiving infection control education.

(b) The licensee may claim one contact hour for each clock hour spent in receipt of infection control education, to a maximum of 2 hours per renewal cycle.

(c) Documentation of a licensee's receipt of infection control education shall be:

(1) A certificate showing:

- a. The title or subject matter of the education; and
- b. The receipt of the education by the licensee; or

(2) A statement signed by the supervisor of the facility where the course took place providing the information described in (1), above.

Plc 1308.18 Receipt of Radiation Safety Education.

(a) A licensee may claim credit towards the continuing competence requirement for completing a radiation safety course.

(b) The licensee may claim one hour for each clock hour spent in receipt of radiation safety education, to a maximum of 3 hours per renewal cycle.

(c) Documentation of a licensee's completion of radiation safety education shall be a document or certificate of completion of the radiation safety course issued by the sponsor of the course.

PART Plc 1309 RENEWAL OF LICENSES ; REINSTATEMENT

Plc 1309.01 License Expiration. As provided in RSA 328-J:15, II, all licenses issued pursuant to RSA 328-J shall expire on the last day of the licensee's birth month in the second year following the year of issuance.

Plc 1309.02 Notification of Pending License Expiration.

(a) At least 60 days prior to the expiration of a license issued pursuant to RSA 328-J and Plc 1300 or rules of the predecessor board in title Mirt, the licensing bureau shall:

(1) Notify, in writing to the email address on file, each licensee whose license is expiring that:

- a. The license is due to expire; and
- b. Failure to file a complete and timely application for renewal shall result in the license expiring; and

(2) Include with the notice a copy of the "Application to Renew MIRT License" dated November 2022 or, when the application becomes available on-line, a registration code for the licensee to use to renew on-line.

(b) A licensee who wishes to renew a license who does not receive an application or registration code shall contact OPLC customer support at CustomerSupport@oplc.nh.gov to obtain an application or code.

(c) If a licensee fails to file a renewal application on or before the expiration of the license or files an incomplete renewal application then fails to file what is needed to complete it by the date specified pursuant to Plc 1309.07(c), the license shall expire.

(d) A licensee whose license has expired shall not practice any of the regulated MIRT professions in New Hampshire unless and until the individual's license has been reinstated.

Plc 1309.03 Applying for License Renewal. A licensee who wishes to renew a license shall submit to the licensing bureau:

- (a) A completed “Application to Renew MIRT License” dated November 2022 that provides the information required by Plc 1309.04 and is signed and certified as specified in Plc 1309.06;
- (b) For other than limited x-ray machine operator license renewal, documentation of current certification and registration as required by the applicable provision in Plc 1304.02 through Plc 1304.10;
- (c) Evidence of good character in the form of answers to the background and character questions listed in Plc 1309.04(j);
- (d) If the applicant answers “yes” to any of the background and character questions, a written explanation detailing the circumstances surrounding each such action that includes the date of the action, reason(s) for action, and any other information the applicant believes is relevant;
- (e) The information and certification relative to meeting continuing education requirements, as specified in Plc 1309.05;
- (f) For applicants to renew a radiologist assistant license, updated clinical protocols that meet the requirements of Plc 1304.06(c); and
- (g) An application processing fee of \$155.

Plc 1309.04 Information Required for Renewal Application. An applicant for renewal of a license to practice a regulated MIRT profession shall provide the following information:

- (a) The specific regulated MIRT profession in which the applicant is seeking license renewal;
- (b) The applicant’s license number and expiration date;
- (c) The applicant’s full legal name including any suffix such as “Jr.” or “III”, and any other name(s) in which the applicant held or holds a license to practice a regulated MIRT profession;
- (d) The applicant’s date of birth by month, day, and year;
- (e) The applicant’s social security number, as required by RSA 161-B:11, VI-a and 42 U.S.C. 666(a)(13);
- (f) The applicant’s home physical address by street name and number, apartment number if applicable, municipality, county, state, zip code, and country if not the U.S., and home mailing address if different;
- (g) The applicants home or other personal telephone number;
- (h) The applicant’s designated e-mail address;
- (i) Relative to the where the applicant works, the name and location of the organization, its telephone number, the URL of the organization’s website, if any, and the business email address, if any;
- (j) If the information the applicant has previously provided relative to professional licensing in other jurisdictions has changed, an update of that information;
- (k) A “yes” or “no” answer to the following questions regarding the applicant’s background and character, provided that “not previously reported” shall not include anything not required by Plc 1305.02(p):

- (1) During the past 27 months or not previously reported, have you been found guilty or entered a plea of no contest to any felony or misdemeanor?;
 - (2) During the past 27 months or not previously reported, have you been the subject of any disciplinary action by any professional licensing authority?;
 - (3) During the past 27 months or not previously reported, have you been denied a license or other authorization to practice in any jurisdiction?;
 - (4) During the past 27 months or not previously reported, have you surrendered a license or other authorization to practice issued by any jurisdiction in order to avoid or settle disciplinary charges?;
 - (5) Are you now or do you have any reason to believe that you will soon be the subject of a disciplinary proceeding, settlement agreement, or consent decree undertaken or issued by a professional licensing board of any jurisdiction?;
 - (6) During the past 27 months or not previously reported, has any malpractice claim been made against you?;
 - (7) During the past 27 months or not previously reported, have you, for disciplinary reasons, been put on administrative leave, been fired for cause other than staff reductions from a position at your place of employment, or had any privileges limited, suspended or revoked in any professional setting?;
 - (8) During the past 27 months or not previously reported, have you been denied the privilege of taking an examination required for any professional license?; and
 - (9) During the past 27 months or not previously reported, have you committed any act(s) that would violate the applicable laws and/or rules that govern the regulated MIRT profession in which you are licensed?;
- (l) Whether the applicant consents to the disclosure to third parties of any or all of the applicant's personal contact information; and
- (m) Whether the applicant has an ownership interest in any diagnostic or therapeutic service(s) or company(ies), and if so the name and address of each company and the specific diagnostic or therapeutic services provided by the company, to comply with RSA 125:25-c.

Plc 1309.05 Information Relative to Continuing Education.

- (a) An applicant for renewal of a license to practice a regulated MIRT profession shall provide the following information relative to continuing competence:
- (1) The total number of hours achieved by the applicant in continuing education courses or other activities accepted in lieu of courses by the applicant's credentialing organization, as applicable, since the beginning of the current license term; and
 - (2) The following information for each continuing education course and activity for which credit is claimed:
 - a. The name of the course or activity;
 - b. The beginning and ending date(s) of the course or activity;
 - c. The name of the sponsor or provider of the course or activity; and
 - d. The total number of hours attributable to the course or activity.

(b) Submission of the information shall constitute the applicant's certification that the applicant has met all continuing education requirements.

Plc 1309.06 Signature and Certification Required for Renewal Application.

(a) The applicant shall sign and date the application, provided that when the application is available via an on-line portal, the submission of the application shall constitute the signature and the date of submission shall be the date.

(b) The applicant's signature shall constitute the applicant's certification that:

- (1) The applicant is in full compliance with RSA 328-J and Plc 1300;
- (2) The applicant's credentials have not been suspended or revoked by any professional licensing board, or an explanation of each such occurrence has been attached;
- (3) The information and documentation provided are true, complete, and not misleading to the best of the applicant's knowledge and belief;
- (4) The applicant understands that providing false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and
- (5) The applicant understands that knowingly providing false information constitutes a misdemeanor under RSA 641:3, I relative to falsification in official matters.

Plc 1309.07 Initial Review of Renewal Applications.

(a) Within 30 days of receipt of an application submitted pursuant to Plc 1309.03, the licensing bureau shall:

- (1) Accept the application as being complete; or
- (2) Determine that the application is incomplete and notify the applicant in writing sent to the personal email address provided on the application that the application is incomplete, specifying what the applicant needs to submit to complete the application.

(b) A notice of incompleteness sent pursuant to (a)(2), above, shall clearly inform the applicant that, as provided in RSA 310-A:1-h, if the application is not completed by the end of the month in which the license expires, then:

- (1) The applicant's NH license will expire and the applicant will not be able to work legally in New Hampshire unless and until the license is reinstated;
- (2) The application for reinstatement will require a new application processing fee; and
- (3) The application processing fee paid with the renewal application shall not be refunded.

Plc 1309.08 Withdrawal of Renewal Application.

(a) An applicant may withdraw an application to renew a license at any time prior to being notified of a decision under Plc 1309.09.

(b) To withdraw an application, the applicant shall submit written notice to the licensing bureau that clearly states the applicant's intention to withdraw the application and clearly identifies the name in which the application was submitted, the date the application was submitted, and the regulated MIRT profession for which the application was submitted.

(c) Upon receipt of a notice of withdrawal, the licensing bureau shall cease processing the application and mark the file to indicate the application was voluntarily withdrawn by the applicant.

(d) If the application is withdrawn, the application processing fee shall not be refunded.

Plc 1309.09 Review of Complete Renewal Applications; Decisions.

(a) After determining that an application is complete, the licensing bureau shall review the application to determine whether the applicant meets all criteria for renewal of the applicant's license.

(b) Subject to (c), below, the licensing bureau shall renew the license of any applicant who:

(1) Continues to meet the applicable qualifications in Plc 1304; and

(2) Has submitted a complete application as specified in Plc 1309.03 that demonstrates the applicant has complied with the continuing competence requirements specified in Plc 1308.06 and is of good character.

(c) The licensing bureau shall notify the applicant of the decision on the application in writing sent to the applicant's designated email address.

(d) If the licensing bureau determines that the applicant has not demonstrated that requirements to obtain a license are met, then:

(1) The licensing bureau shall conditionally deny the application; and

(2) The notice sent pursuant to (c), above, shall inform the applicant that the denial shall become final in 30 days unless the applicant requests a hearing in writing within 30 days.

Plc 1309.10 Renewal Licenses: Issuance and Duration.

(a) Each renewal license to practice a regulated MIRT profession issued by the OPLC shall specify:

(1) The name of the licensee;

(2) The effective dates of the license;

(3) The license number; and

(4) The regulated MIRT profession the licensee is authorized to practice.

(b) Renewal licenses shall:

(1) Be valid for 2 years, provided that the timely filing of a complete renewal application shall continue the validity of the license being renewed until final action is taken on the renewal application;

(2) Expire on the last day of the month in which the license was issued unless a timely and complete renewal application is filed or the license is sooner suspended or revoked pursuant to Plc 1311; and

(3) Be subject to renewal biennially.

Plc 1309.11 Reinstatement of a License After Expiration.

(a) An individual whose license has expired shall not practice in New Hampshire unless and until he or she has obtained a license in accordance with RSA 328-J and Plc 1300.

(b) An individual whose license has expired who wishes to obtain a license in New Hampshire shall:

(1) Apply for a renewal license in accordance with Plc 1309.03, including demonstrating that the applicant is certified by the applicable credentialing organization and has met the continuing competence requirements specified in Plc 1308.06; and

(2) As required by RSA 328-J:7-a, I, obtain a criminal records check using the process established by the New Hampshire department of safety (NHDOS) for requesting a criminal records check, accessible via the NHDOS website at <https://www.nh.gov/safety/> or directly at <https://services.dos.nh.gov/chri/cpo/>, including paying any required fee and directing that the results be sent to the OPLC.

Plc 1309.12 Reinstatement of a License Previously Revoked.

(a) An individual whose license was revoked pursuant to Plc 1311, or whose license was revoked by the New Hampshire board of medical imaging and radiation therapy prior to July 19, 2022, who wishes to have the license reinstated shall:

(1) Submit an application for renewal licensure in accordance with Plc 1309.03, including demonstrating that the applicant is certified by the applicable credentialing organization and has met the continuing competence requirements specified in Plc 1308.06;

(2) As required by RSA 328-J:7-a, I, obtain a criminal records check using the process established by the New Hampshire department of safety (NHDOS) for requesting a criminal records check, accessible via the NHDOS website at <https://www.nh.gov/safety/> or directly at <https://services.dos.nh.gov/chri/cpo/>, including paying any required fee and directing that the results be sent to the OPLC; and

(3) Demonstrate that:

a. All conditions imposed in the revocation order have been met;

b. All monetary penalties imposed have been paid; and

c. The revocation has been in effect for at least 2 years after the date of the order revoking the license, as required by RSA 328-J:19, III.

(b) If the licensing bureau makes a preliminary determination that the applicant does not qualify for a license or does not qualify for an unrestricted license, the licensing bureau shall refer the matter to the executive director, who shall initiate an adjudicative proceeding pursuant to Plc 200 to determine whether to deny the application or to reinstate the license with conditions.

(c) A license shall not be granted to an individual who previously held a license whose license was revoked unless and until the individual has:

(1) Complied with any requirements that are part of the revocation order;

(2) Paid all monetary penalties imposed, if any;

(3) Paid the costs associated with the revocation, if imposed pursuant to RSA 310-A:1-m, VI or other applicable law; and

(4) Demonstrated that he or she meets all other requirements for a renewal license.

PART Plc 1310 ETHICAL AND PROFESSIONAL STANDARDS

Plc 1310.01 Purpose and Applicability.

(a) The purpose of this part is to establish ethical and professional standards to maintain a high standard of integrity, skills, and practice in the regulated MIRT professions.

(b) These rules shall be binding upon each individual who is licensed in any of the regulated MIRT professions in New Hampshire.

Plc 1310.02 National Codes of Ethics as Binding Ethical Standards.

(a) Limited x-ray machine operators shall comply with the “ARRT Standards of Ethics,” effective September 1, 2021, available at <https://www.arrt.org/docs/default-source/Governing-Documents/arrt-standards-of-ethics.pdf?sfvrsn=12> and as noted in Appendix B.

(b) Magnetic resonance technologists shall comply with the following codes of ethics, as applicable:

(1) If certified by the American Registry of Radiologic Technologists, the “ARRT Standards of Ethics,” effective September 1, 2021, available at <https://www.arrt.org/docs/default-source/Governing-Documents/arrt-standards-of-ethics.pdf?sfvrsn=12> and as noted in Appendix B; or

(2) If certified by the American Registry of Magnetic Resonance Imaging Technologists, the “ARMRIT Code of Ethics”, as accessed and reprinted in Appendix D on July 19, 2022;

(c) Nuclear medicine technologists shall comply with the Code of Ethics at lines 98-137 of the “Nuclear Medicine Technologist Scope of Practice and Performance Standards,” 2nd Ed., approved June 9, 2022 by the Society of Nuclear Medicine and Molecular Imaging Technologist Section, available at <http://www.snmmi.org/IssuesAdvocacy/content.aspx?ItemNumber=6416&navItemNumber=592> and as noted in Appendix B;

(d) Radiation therapists shall comply with the “ARRT Standards of Ethics,” effective September 1, 2021, available at <https://www.arrt.org/docs/default-source/Governing-Documents/arrt-standards-of-ethics.pdf?sfvrsn=12> and as noted in Appendix B.

(e) Radiographers shall comply with the following codes of ethics, as applicable:

(1) If certified by the American Registry of Radiologic Technologists, the “ARRT Standards of Ethics,” effective September 1, 2021, available at <https://www.arrt.org/docs/default-source/Governing-Documents/arrt-standards-of-ethics.pdf?sfvrsn=12> and as noted in Appendix B; or

(2) If certified by Cardiovascular Credentialing International (CCI), the CCI “Code of Ethics”, as published July 27, 2017, available at https://cci-online.org/CCI/Content/Code_of_Ethics.aspx and as noted in Appendix B.

(f) Radiologist assistants shall comply with the “ARRT Standards of Ethics,” effective September 1, 2021, available at <https://www.arrt.org/docs/default-source/Governing-Documents/arrt-standards-of-ethics.pdf?sfvrsn=12> and as noted in Appendix B; and

(g) Sonographers shall comply with the following codes of ethics, as appropriate:

(1) If certified by the American Registry of Diagnostic Medical Sonography, the Society of Diagnostic Medical Sonography’s “Code of Ethics for the Profession of Diagnostic Medical Sonography” as reapproved by the board of directors of the Society for Diagnostic Medical

Sonography February 8, 2017, <http://www.sdms.org/about/who-we-are/code-of-ethics>, available as noted in Appendix B;

(2) If certified by the American Registry of Radiologic Technologists, the “ARRT Standards of Ethics,” effective September 1, 2022, <https://www.arrt.org/docs/default-source/Governing-Documents/arrt-standards-of-ethics.pdf?sfvrsn=12>, available as noted in Appendix B; or

(3) If certified by Cardiovascular Credentialing International, the CCI “Code of Ethics”, effective July 27, 2017, https://cci-online.org/CCI/Content/Code_of_Ethics.aspx, available as noted in Appendix B.

Plc 1310.03 Additional Licensee Obligations. Each person to whom these standards apply also shall:

- (a) Comply with RSA 328-J and Plc 1300;
- (b) Obey in good faith, and within any time periods specified, any disciplinary or remedial orders issued by the executive director;
- (c) Interact with colleagues and clients with honesty and integrity;
- (d) Not misrepresent professional qualifications or credentials;
- (e) Cooperate with lawful investigations by the OPLC, and be candid and truthful when providing information;
- (f) Be candid and truthful when making oral and written statements about medical imaging to the public;
- (g) Treat all individuals with whom the person interacts in a professional capacity with respect and civility;
- (h) Maintain sexual boundaries by:
 - (1) Refraining from any behavior that exploits the practitioner-patient relationship in a sexual way; and
 - (2) Avoiding any behavior that is sexual or sexually demeaning, or that could be reasonably interpreted as such, even when initiated by or consented to by a patient or a colleague;
- (i) Not engage in hazing or sexual, verbal, or physical harassment of any individual when interacting in a professional capacity; and
- (j) Not discriminate based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability, or national origin.

PART Plc 1311 PROCEDURES; DISCIPLINARY ACTIONS

Plc 1311.01 Rules of Practice and Procedure. The rules in Plc 200 shall govern procedures for any of the following that are not subject to specific provisions in RSA 328-J:

- (a) The receipt of misconduct complaints and the investigation thereof;
- (b) The conduct of disciplinary proceedings, including emergency proceedings;
- (c) Waivers;
- (d) Voluntary surrender of licenses; and

(e) Any other procedures not included in this chapter.

Plc 1311.02 Definitions. For purposes of this part, the following definitions shall apply:

(a) “Respondent” means the person against whom a disciplinary sanction is proposed to be imposed; and

(b) “Sexual misconduct” means engaging in one or more of the following activities with respect to a current patient who is not a spouse or domestic partner:

- (1) Engaging in sexual relations, whether consensual or non-consensual;
- (2) Making verbal or physical sexual advances;
- (3) Using sexual language or phrases;
- (4) Requesting sexual favors; or
- (5) Engaging in physical contact of a sexual nature.

Plc 1311.03 Misconduct. Misconduct shall be:

(a) Any conduct listed in RSA 328-J:19, I, reprinted in Appendix E;

(b) Knowingly, recklessly, or negligently providing inaccurate material information to the OPLC or failing to provide complete and truthful material information upon inquiry by an authorized representative of the OPLC, including during the process of applying for an initial license, a license renewal, or the reinstatement of a license;

(c) Conviction without annulment in any jurisdiction of any criminal offense that:

- (1) Constitutes a sexual offense;
- (2) Constitutes a violation of controlled substance law; or
- (3) Involves:
 - a. Injury or the potential for injury to a victim; or
 - b. Dishonesty;

(d) Failing to report a conviction described in (b), above, within 30 days as required by Plc 1308.03;

(e) Violating any applicable ethical or professional standard specified in Plc 1310;

(f) Engaging in sexual misconduct;

(g) Engaging in the practice of a regulated MIRT profession despite actual or potential inability to render care with reasonable skill and safety by reason of any impairment, including but not limited to physical or mental illness or use of alcohol, drugs, or any other substance that adversely affects human health;

(h) Being subject to final disciplinary action by:

- (1) A regulatory authority in another domestic or foreign jurisdiction; or
- (2) The applicable credentialing organization;

- (i) Failing to take appropriate action to safeguard individuals from incompetent counselors and health care practitioners, whether or not they are licensed in this state;
- (j) Practicing a regulated MIRT profession without a current license; and
- (k) Violating:
 - (1) Any provision of RSA 328-J;
 - (2) Any provision of the rules in title Mirt prior to July 26, 2022;
 - (3) Any provision of Plc 1300; or
 - (4) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

Plc 1311.04 Sanctions. Pursuant to RSA 328-J:19, II, disciplinary actions available to the executive director to sanction misconduct shall be:

- (a) Requiring the respondent to participate in continuing education in the area(s) in which the respondent has been found deficient;
- (b) Issuing a written reprimand;
- (c) Imposing limitations or restrictions on the respondent, including but not limited to practicing under the direct supervision of a medical imaging professional or radiation therapist for a period of time determined to be reasonable based on the nature and severity of the misconduct;
- (d) Putting the respondent on probation for a period of time determined to be reasonable based on the nature and severity of the misconduct;
- (e) Suspending the respondent's license;
- (f) Revoking or refusing to renew the respondent's license; and
- (g) Assessing a monetary penalty in the amount established pursuant to Plc 1311.10.

Plc 1311.05 Procedures for Imposing Sanctions.

- (a) Other than immediate license suspension authorized by RSA 328-J:9 or RSA 541-A:30, III, the executive director shall impose disciplinary sanctions only:
 - (1) After prior notice to the licensee in accordance with Plc 206 and the opportunity for the licensee to be heard; or
 - (2) By agreement between the executive director and the licensee that is reflected in a consent order.

- (b) Copies of orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each jurisdiction in which the respondent is licensed, to the respondent's credentialing organization, and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law.

Plc 1311.06 Method for Determining Sanctions.

- (a) To determine which sanction or combination of sanctions to impose, the executive director shall:

- (1) Refer to the list in Plc 1311.03 to determine the nature of the act(s) or omission(s) constituting the misconduct committed by the licensee;
 - (2) Determine whether any aggravating or mitigating circumstances are present, as provided in (b) and (c), below; and
 - (3) Apply the standards in Plc 1311.07.
- (b) The following shall be considered aggravating circumstances:
- (1) The rule or statute violated was clear as to what was required or prohibited;
 - (2) The respondent has a record of disciplinary sanctions being imposed;
 - (3) The respondent committed the misconduct intentionally or recklessly;
 - (4) The respondent did not cooperate during the investigation and adjudicative proceeding; and
 - (5) The misconduct caused actual harm or posed a material threat of harm to patients, colleagues, or the public.
- (c) The following shall be considered mitigating circumstances:
- (1) The respondent does not have a record of prior discipline;
 - (2) The respondent committed the misconduct negligently or inadvertently;
 - (3) The respondent cooperated fully during the investigation and adjudicative proceeding;
 - (4) The respondent acknowledged that the identified actions constituted violations; and
 - (5) The rule or statute violated was arguably unclear.

Plc 1311.07 Standards for the Selection of Sanctions. The executive director shall select appropriate sanction(s):

- (a) From the list in Plc 1311.04; and
- (b) By choosing, in light of the characteristics or lack of characteristics determined pursuant to Plc 1311.06(b), the sanction(s) most likely to:
 - (1) Protect public health and safety;
 - (2) Prevent future misconduct by the respondent;
 - (3) Take into account any acknowledgement of fault by the respondent and any cooperation by the respondent with the investigation of misconduct;
 - (4) Correct any attitudinal, educational, or other deficiencies that contributed to the misconduct;
 - (5) Encourage the responsible practice of the regulated MIRT profession; and
 - (6) Demonstrate to the respondent, other licensees in the regulated MIRT profession, and the public the executive director's intent to ensure that licensees in a regulated MIRT profession practice in accordance with applicable law to support and protect public safety and welfare.

Plc 1311.08 Unauthorized Practice. When the executive director determines that one of the following measures is likely to be the most effective way to stop unlicensed practice as described in RSA 328-J:10, the executive director shall:

- (a) Issue a cease and desist order against the person or entity engaged in the unauthorized practice; or
- (b) Seek an injunction against such person or entity as authorized by RSA 328-J:21.

Plc 1311.09 Conditions of License Suspension or Revocation.

(a) If a license is suspended, the licensee shall prepare and submit a plan of correction to address each violation that provided a basis for the disciplinary proceeding.

(b) The executive director shall review the submitted plan of correction and:

(1) Approve the plan, if it:

- a. Addresses each violation that provided a basis for the disciplinary proceeding; and
- b. Identifies one or more specific actions that the license will take and specifies a reasonable deadline for taking the action(s); or

(2) Return the plan to the licensee for revision and resubmission if the plan does not meet the requirements for approval specified in (1), above.

(c) A licensee whose license was suspended may request the license to be reactivated after the conditions specified in the suspension order have been met by submitting a written request to the executive director that demonstrates compliance with the plan of correction as approved by the executive director.

(d) Upon reactivation of a suspended license, the licensee shall not be required to pay an additional fee, and the expiration date of the license shall remain the same.

(e) If a license is revoked, any subsequent application for licensure shall include a plan of correction that addresses each violation that provided a basis for the disciplinary proceeding.

(f) An individual whose license has been revoked and who wishes to reapply for a license shall apply as for license reinstatement in accordance with Plc 1309.12.

(g) A license shall not be granted to an individual who previously held a license but whose license was revoked unless and until the individual has complied with the requirements on which the revocation was based and has paid the costs associated with the revocation, if imposed pursuant to RSA 310-A:1-m, VI or other applicable law.

Plc 1311.10 Determination of Monetary Penalties.

(a) Monetary penalties for violations as specified in Plc 1311.03 shall not exceed the following amounts, and in no event shall exceed \$2,500 per violation:

(1) When no violation of any type has occurred during a period of licensure within the 5 years prior to the executive director's notice to the respondent, the fine assessed shall not exceed the greater of \$100 per day or \$1,000 per violation;

(2) When a violation other than a violation of the same type has occurred during a period of licensure within the 5 years prior to the executive director's notice to the respondent, the fine assessed shall not exceed the greater of \$200 per day or \$1,500 per violation;

- (3) When a single violation of the same type has occurred during a period of licensure within the 5 years prior to the executive director’s notice to the respondent, the fine assessed shall not exceed the greater of \$250 per day or \$2,000 per violation; and
- (4) When more than one violation of the same type has occurred during a period of licensure within the 5 years preceding the executive director’s notice to the respondent, the fine assessed shall not exceed the greater of \$300 per day or \$2,500.
- (b) If a respondent has committed more than one violation of the same requirement or standard, a separate fine shall be assessed for each occurrence, but the total amount of the fine and the respondent’s promptness and cooperativeness in ceasing the prohibited conduct in question shall be considered in assessing the fines.
- (c) A course of continuous conduct shall be treated as a single violation for purposes of (a), above.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule	State Statute(s) Implemented
Plc 1300 (see below for more specific and additional statutes)	RSA 328-J
Plc 1303	RSA 328-J:3
Plc 1304	RSA 328-J:11
Plc 1305	RSA 328-J:7-a; RSA 328-J:10; RSA 328-J:13
Plc 1306	RSA 328-J:13, II
Plc 1307	RSA 328-J:12
Plc 1308	RSA 328-J:17; RSA 328-J:15
Plc 1309	RSA 328-J:15
Plc 1310	RSA 328-J:7, IV
Plc 1311	RSA 328-J:19; RSA 328-J:20

APPENDIX B: INCORPORATED DOCUMENTS

Rule(s)	Incorporated Reference	Obtain at:
Plc 1307.03(a) Plc 1307.05 Plc 1307.07(a) Plc 1307.08(b) Plc 1307.11	“ASRT Practice Standards for Medical Imaging and Radiation Therapy” dated June 26, 2022	https://www.asrt.org/main/standards-regulations/practice-standards/practice-standards ; click on “Read The ASRT Practice Standards for Medical Imaging and Radiation Therapy”
Plc 1307.03(b)	Scope of Practice for Licensed Magnetic Resonance Technologists certified by ARMRT	Reprinted as Appendix C on October 11, 2022
Plc 1307.04	“Nuclear Medicine Technologist Scope of Practice and Performance Standards”, 2 nd Edition, approved June 9, 2022	http://www.snmmti.org/ClinicalPractice/content.aspx?ItemNumber=5532
Plc 1307.06	ASRT’s “Radiography Practice Standards”, effective June 26, 2022	https://www.asrt.org/main/standards-regulations/practice-standards/practice-standards

Rule(s)	Incorporated Reference	Obtain at:
Plc 1307.08(a) Plc 1307.08(c)	“Scope of Practice and Clinical Standards for the Diagnostic Medical Sonographer” dated 04-13-15	Society of Diagnostic Medical Sonography Available at http://www.sdms.org/about/who-we-are/scope-of-practice
Plc 1307.09(a)	“Scope of Practice for the Registered Cardiovascular Electrophysiology Specialist (RCES)”, 2017	https://www.acp-online.org/advocacy/scopes-of-practice/
Plc 1307.10(a)	“Scope of Practice for the Registered Cardiovascular Invasive Specialist (RCIS)”, 2018	https://www.acp-online.org/advocacy/scopes-of-practice/
Plc 1310.02(a), (b)(1), (d), (e)(1), (f), & (g)(2)	“ARRT Standards of Ethics,” effective September 1, 2021	https://www.arrt.org/docs/default-source/Governing-Documents/arrt-standards-of-ethics.pdf?sfvrsn=12
Plc 1310.02(c)	“Nuclear Medicine Technologist Scope of Practice and Performance Standards,” 2nd Ed., 06-09-22, lines 98-137	http://www.snmmi.org/IssuesAdvocacy/content.aspx?ItemNumber=6416&navItemNumber=592
Plc 1310.02(e)(2) & (g)(3)	CCI “Code of Ethics” published 07-27-17	https://cci-online.org/CCI/Content/Code_of_Ethics.aspx
Plc 1310.02(g)(1)	“Code of Ethics for the Profession of Diagnostic Medical Sonography”	http://www.sdms.org/about/who-we-are/code-of-ethics

**APPENDIX C: O*NET ONLINE TASKS FOR ARMRIT-CERTIFIED LICENSED
MAGNETIC RESONANCE TECHNOLOGISTS**

Tasks

- Operate magnetic resonance imaging (MRI) scanners.
- Select appropriate imaging techniques or coils to produce required images.
- Intravenously inject contrast dyes, such as gadolinium contrast, in accordance with scope of practice.
- Position patients on cradle, attaching immobilization devices, if needed, to ensure appropriate placement for imaging.
- Conduct screening interviews of patients to identify contraindications, such as ferrous objects, pregnancy, prosthetic heart valves, cardiac pacemakers, or tattoos.
- Explain magnetic resonance imaging (MRI) procedures to patients, patient representatives, or family members.
- Provide headphones or earplugs to patients to improve comfort and reduce unpleasant noise.
- Take brief medical histories from patients.
- Inspect images for quality, using magnetic resonance scanner equipment and laser camera.
- Create backup copies of images by transferring images from disk to storage media or workstation.
- Troubleshoot technical issues related to magnetic resonance imaging (MRI) scanner or peripheral equipment, such as monitors or coils.
- Write reports or notes to summarize testing procedures or outcomes for physicians or other medical professionals.

- Test magnetic resonance imaging (MRI) equipment to ensure proper functioning and performance in accordance with specifications.
- Calibrate magnetic resonance imaging (MRI) console or peripheral hardware.
- Instruct medical staff or students in magnetic resonance imaging (MRI) procedures or equipment operation.
- Attach physiological monitoring leads to patient's finger, chest, waist, or other body parts.
- Conduct inventories to maintain stock of clinical supplies.
- Operate optical systems to capture dynamic magnetic resonance imaging (MRI) images, such as functional brain imaging, real-time organ motion tracking, or musculoskeletal anatomy and trajectory visualization.
- Request sedatives or other medication from physicians for patients with anxiety or claustrophobia.
- Connect physiological leads to physiological acquisition control (PAC) units.
- Schedule appointments for research subjects or clinical patients.
- Develop or otherwise produce film records of magnetic resonance images.
- Place and secure small, portable magnetic resonance imaging (MRI) scanners on body part to be imaged, such as arm, leg, or head.

APPENDIX D: ARMTRIT CODE OF ETHICS AND MISSION STATEMENT

Magnetic Resonance Imaging Technologists, as Certified Technologists of an allied health care profession, must endeavor to always practice their specialty with the highest ethical standards in mind. The American Registry of Magnetic Resonance Imaging Technologists' Board of Directors adopted and enacted the following Guidelines:

- 1) The MRI technologist shall provide quality service and patient care with empathy, respect and concern for the rights, privacy and safety of the patient.
- 2) The MRI technologist shall always be aware of the precautions necessary and available to anyone in the MRI environment in order to safeguard the patient and others.
- 3) The MRI technologist shall respect the confidentiality and never divulge patient information to anyone not directly related to the care of the patient as allowed by law.
- 4) The MRI technologist shall adhere and comply with statutes, laws, regulations or specifications that govern the medical imaging modality of magnetic resonance imaging technology under federal, state and local law.
- 5) The MRI technologist shall perform their assigned duties responsibly, accurately and competently, and professionally.
- 6) The MRI technologist shall always endeavor to enhance and improve their knowledge of the specialty and skills annually through formal and informal continuing education.
- 7) The MRI technologist shall not violate any laws.
- 8) The MRI technologist shall promote community awareness of the importance of quality health care and participate in related activities, whenever possible.

Mission Statement

The mission of the American Registry of Magnetic Resonance Imaging Technologists (ARMTRIT) is to recognize individuals qualified as specialists in the use of Magnetic Resonance Imaging (MRI) Technology which employs non-ionizing radiation to promote high standards of patient care and safety in the diagnostic medical imaging modality of MRI Technology including interventional MRI, cardiovascular MRI, functional MRI, and MRI breast imaging. The Registry is open to all qualified

technologists in all imaging fields provided a formal education has been completed through bona fide established schools dedicated to MRI technologists.

APPENDIX E: REFERENCED STATUTORY PROVISIONS

328-J:19 Penalties. –

I. The executive director may deny, suspend, revoke, or refuse to renew a license or impose probationary conditions on a license if the licensee or applicant for licensure has engaged in any of the following conduct:

- (a) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.
- (b) Engaging in unprofessional conduct pursuant to rules adopted by the executive director.
- (c) Having been convicted of or pleaded guilty or nolo contendere to a crime involving moral turpitude or any crime which indicates that the licensee or applicant is unfit or incompetent to administer medical imaging or radiation therapy procedures or that the licensee or applicant has deceived or defrauded the public.
- (d) Engaging in any act or practice in violation of any of the provisions of this chapter or any rule adopted by the executive director or aiding, abetting, or assisting any person in such a violation.
- (e) Committing an act or acts of malpractice, gross negligence, or incompetence in administering medical imaging or radiation therapy procedures.
- (f) Practicing as a person licensed to administer medical imaging or radiation therapy procedures without a current license.
- (g) Engaging in conduct that could result in harm or injury to the public.
- (h) Having a license issued under this chapter revoked or suspended or other disciplinary action taken, whether in this state or another jurisdiction.
- (i) Being unfit or incompetent to administer medical imaging or radiation therapy services by reason of deliberate or negligent acts or omissions, regardless of whether actual injury to a patient is established.

II. The executive director, upon making an affirmative finding under paragraph I, may take disciplinary action in any one or more of the following ways:

- (a) By written reprimand.
- (b) By suspension, refusal to renew, limitation or restriction of a license, or probation for a period of time determined to be reasonable by the executive director.
- (c) By revocation of a license.
- (d) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient.
- (e) By requiring the person to practice under the direct supervision of a medical imaging professional or radiation therapist for a period of time specified by the executive director.
- (f) By assessing civil penalties, after notification and due process, in amounts established by the executive director which shall not exceed \$2,500 per offense or, in the case of continuing offenses, \$250 for each day the violation continues, whichever is greater.

III. The denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license may be ordered by the executive director after a hearing held in accordance with RSA 328-J:18 and rules adopted by the executive director. An application may be made to the executive director for reinstatement of a revoked license if the revocation has been in effect for at least 2 years after the date of the executive director's order revoking the license.

Source. 2016, 54:2, eff. July 1, 2016. 2022, 104:6, eff. July 26, 2022.

328-J:25 Exemptions. – Nothing in this chapter shall be construed to prevent or affect:

I. A licensed practitioner performing medical imaging or radiation therapy procedures within his or her scope of practice, education, training, and competence.

II. A registered dental hygienist licensed under the laws of the state of New Hampshire performing dental imaging procedures within his or her scope of practice, education, training, and competence and under the supervision of a dentist licensed under the laws of the state of New Hampshire.

III. A dental assistant licensed or holding a certificate under the laws of the state of New Hampshire performing dental imaging procedures within his or her scope of practice, education, training, and competence and under the supervision of a dentist licensed under the laws of the state of New Hampshire.

IV. A resident physician or a student enrolled in and attending a school or college of medicine, dentistry, osteopathy, chiropractic, podiatry, limited x-ray machine operator, medical imaging, or radiation therapy who performs medical imaging or radiation therapy procedures on humans while under the supervision of a licensed practitioner or a person holding a license under this chapter in the supervised modality.

V. A person administering medical imaging or radiation procedures who is employed by the United States government when performing duties associated with that employment.

VI. A person licensed under the laws of the state of New Hampshire performing a sonography procedure within his or her scope of practice, education, training, and competence, that is used to assess specific and limited information about a patient's immediate medical condition, is limited to a focused imaging target and does not generate a recorded diagnostic medical image. A focused imaging target includes, but is not limited to:

- (a) Assessment of fetal presentation or heartbeat;
- (b) Assessment of fluid in a body cavity;
- (c) Assessment of foreign body position or location;
- (d) Fetal monitoring during active labor; or
- (e) Identification of an anatomical landmark or blood vessel for vascular access or administration of anesthesia.

VII. A person performing medical procedures or therapy on non-human subjects or cadavers.

VIII. A person licensed under the laws of the state of New Hampshire performing a medical procedure using ultrasound for a non-imaging purpose that is within his or her scope of practice, education, training, and competence.

IX. A person licensed to perform a medical imaging or radiation therapy modality, who is performing clinical procedures under the supervision of a licensed practitioner or a person holding a license under this chapter in the supervised modality, in preparation for certification in an additional medical imaging or radiation therapy modality. To receive this exemption, the person shall register with the executive director and meet the requirements as specified in this chapter and under the rules adopted by the board. The executive director may grant this exemption for a period not to exceed 3 years and the exemption may be renewed by the executive director.

Source. 2016, 54:2, eff. July 1, 2016. 2017, 217:1, eff. Sept. 8, 2017. 2022, 104:8, eff. July 26, 2022.