Title 15: Mississippi State Department of Health

Part 19: Bureau of Professional Licensure

Subpart 60: Professional Licensure

CHAPTER 2: REGULATIONS GOVERNING LICENSURE OF PROFESSIONAL ART THERAPISTS

Subchapter 1: General Provisions

Rule 2.1.3 **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. **Board** shall mean the Mississippi State Board of Health.

2. **Council** shall mean the Professional Art Therapists Advisory Council.

3. **Licensed Professional Art Therapist** means a person who has completed a master's or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution and who is licensed by the Board, or who received registration from the American Art Therapy Association (ATR) before 1980.

4. **License Holder** means a licensed professional art therapist licensed under the provisions of this act.

5. **Accredited Institution** means a university or college accredited by a nationally recognized accrediting agency of institutions of higher education, or an institution and clinical program approved by the American Art Therapy Association, Inc.

6. **Department** shall mean the Mississippi Department of Health.

7. **Act** shall mean Chapter 73-65-1 et seq of the Mississippi Code 1972 Annotated.

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 4: Licensure

Rule 2.4.1 **Licensure Requirements**

1. An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant:

2. Is at least twenty-one (21) years of age;

3. Has passed the Art Therapy Credentials Board Examination as administered by the Art Therapy Credentials Board, Inc.;

4. Is registered as an art therapist as defined by the Art Therapy Credentials Board, Inc.;

5. Is certified as an art therapist by the Art Therapy Credentials Board, Inc.; and,

6. The Department will review the credentials of an individual awarded a master's degree or doctoral degree from a non-accredited institution on a case-by-case basis.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.4.3 [Reserved]

SOURCE: Miss. Code Ann. §73-65-1

Rule 2.4.4 **Provisional Licensure** The Board may, in its discretion, issue a provisional license to an applicant at least 21 years of age, pending the completion of the requirements for licensure, providing the applicant submits to the Department, verified by oath, in form and content satisfactory to the Department that the applicant:

1. Will be supervised according to Rule 2.4.5 of the regulations; and,

2. Has not taken the examination recognized by the Department or received registration from the Art Therapy Credentials Board, Inc.

3. In its discretion, and upon application, the Board may renew a provisional license. Proof satisfactory to the Department that the provisional license holder has been in the process of meeting the licensure requirements must be submitted at the time of renewal.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.4.5 **Conditions of a Provisional License**

1. Documentation in form and substance satisfactory to the Department that the conditions of Rule 2.4.5(2)(3) of the regulations have been met must be on file with the Department before a provisional license will be issued.

2. A provisional license holder may only practice under the supervision of the individual licensed as a professional art therapist in Mississippi who is the listed supervisor on file with the Department.

3. A provisional license holder must be supervised one (1) hour for every ten (10) hours of face-to-face client contact.

4. A provisional license holder shall restrict his practice to the State of Mississippi.

5. Only an individual issued a regular license by the Department may supervise a provisional license holder.

6. Notice of Termination: The supervisor shall notify the Department in writing of the termination of the supervisory relationship with a provisional license holder. The notice shall include the effective date of the termination and must be filed with the Department or postmarked no later than three (3) calendar days from the date of termination.

SOURCE: Miss. Code Ann. §73-65-1.

CHAPTER 7: REGULATION GOVERNING REGISTRATION OF MEDICAL RADIATION TECHNOLOGISTS

Subchapter 1: General

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

1. "**Department**" means the Mississippi State Department of Health.

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

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

4. "**X-radiation**" means penetrating electromagnetic radiation with wavelengths short than ten (10) nanometers produced by bombarding a metallic target with fast electrons in a vacuum.

5. "**Supervision**" means responsibility for and control of, quality radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes.

6. **"Medical radiation technology"** means the science and art of applying ionizing radiation to human beings for diagnostic and/or therapeutic purposes. The Department issues three (3) types of registrations for certain specialized disciplines of medical radiation technology as further described in Rule 7.3.1. The Department does not issue registrations to limited x-ray machine operators.

7. **"Radiologic technologist"** means a person other than a licensed practitioner who has passed a national certification examination recognized by the Department such as the American Registry of Radiologic Technologist examination or its equivalent, who applies x-radiation or ionizing radiation to any part of the human body for diagnostic purposes and includes the administration of parenteral and

enteral contrast media and administration of other medications or procedures incidental to radiologic examinations.

8. "**Nuclear medicine technologist**" means a person other than a licensed practitioner who has passed a national certification examination recognized by the Department such as the American Registry of Radiologic Technologist examination or the Nuclear Medicine Technology Certification Board examination or its equivalent, who performs in vivo imaging and measurement procedures and in vitro nonimaging laboratory studies, prepares radiopharmaceuticals, and administers diagnostic/therapeutic doses of radiopharmaceuticals to human beings while under the supervision of a licensed practitioner who is licensed to possess and use radioactive material.

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

10. "**Council**" means the Medical Radiation Advisory Council.

11. "**Act**" shall mean Section 41-58-1 et seq. of Mississippi Code of 1972, annotated.

12. "**State**" shall mean the State of Mississippi."

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

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 2: Medical Radiation Technologists Advisory Council ("Council")

Rule 7.2.1 **Council Structure and Purpose:**

1. The Council shall consist of ten (10) members, who shall serve without compensation. They shall be selected by the Department, to serve under the jurisdiction of the Department for a three (3) year term.

2. The council composition shall be as follows:

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

b. One (1) licensed family physician;

c. One (1) licensed practitioner;

d. Two (2) registered radiological technologists;

e. One (1) nuclear medicine technologist;

f. One (1) radiation therapist;

g. One (1) radiation physicist;

h. One (1) hospital administrator; and

i. The State Health Officer, or his designee, who shall serve as ex officio chairperson with no voting authority.

j. One (1) limited x-ray machine operator;

3. All council members engaged in medical radiation technology and not exempt from registration must, at the time of appointment, be registered with the Department. Any other person serving on the council who is a practitioner of a profession or occupation required to be licensed, credentialed, or certified in the state, shall hold an appropriate license, credential, or certificate issued by the state. The purpose of the Council is to serve in an advisory capacity to the Department in matters relating to the administration and interpretation of the Act.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 3: Registration

Rule 7.3.1 **Types of Registration:**

1. "Radiologic technologist registration" means the registration issued by the Department which permits a person to apply x-radiation or ionizing radiation to any part of the human body for diagnostic purposes, and includes the administration of parenteral and enteral contrast media and administration of other medications or procedures incidental to radiologic examinations.

2. "Nuclear medicine technologist registration" means the registration issued by the Department which permits a person to perform in vivo imaging and measurement procedures and in vitro nonimaging laboratory studies, to prepare radiopharmaceuticals, and to administer diagnostic and therapeutic doses of radiopharmaceuticals to human beings while under the supervision of a licensed

practitioner who is identified as an authorized user on a Department license that authorizes the medical use of radioactive material.

3. "Radiation therapist registration" means the registration issued by the Department which permits a person to apply x-radiation and the ionizing radiation emitted from particle accelerators, cobalt-60 units and sealed sources of radioactive material to human beings for therapeutic purposes while under the supervision of a licensed radiation oncologist or a board certified radiologist who is identified as an authorized user by the Department to possess and apply x-radiation and the ionizing radiation emitted from particle accelerators, cobalt-60 units and sealed sources of radioactive material to human beings for therapeutic purposes.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.3.6 **Production and Display of Registration:** A person registered to practice medical radiation technology in the State of Mississippi shall be issued a "Certificate of Registration" and "Registration Identification Letter." The "Certificate of Registration" or copy thereof shall be on record at the place(s) of employment.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 4: Renewal of Registration

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

1. complete the renewal form either on-line or in paper form;

2. if required, submit proof of continuing education credit as detailed in Section V of these regulations;

3. file the above with the Department prior to the end of the renewal period with the appropriate fee.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 5: Continuing Education

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

1. If requested, it is the responsibility of the registrant to submit, at the time of renewal, written evidence in form and content satisfactory to the Department, proof that the continuing education requirement has been met.

2. Persons who fail to accrue the required continuing education hours shall be issued a probationary registration for one (1) registration term. Failure to satisfy the terms and conditions of the probation and to accrue the required hours will result in the revocation of the registration. Hours accrued are first credited for the delinquent hours lacking from the previous registration period, and then applied to the present registration term.

3. Probationary registrations will be issued for one registration term only. No ensuing registration may be probationary as a result of not meeting continuing education requirements.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 6: Exceptions and Exemptions

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

1. A student enrolled in and participating in an approved course of study for diagnostic radiologic technology, nuclear medicine technology or radiation therapy, who as a part of his clinical course of study applies ionizing radiation to a human being while under the supervision of a licensed practitioner, registered radiologic technologist, registered nuclear medicine technologist or registered radiation therapist;

2. Laboratory personnel who use radiopharmaceuticals for in vitro studies;

3. A dental hygienist or a dental assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of Dental Examiners and applies ionizing radiation under the specific direction of a licensed dentist;

4. A chiropractic assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of Chiropractic Examiners and applies ionizing radiation under this specific direction of a licensed chiropractor;

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

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

7. Nothing in these regulations is intended to limit, preclude, or otherwise interfere with the practices of a licensed practitioner as defined in the definitions of these regulations, who is duly licensed or registered by the appropriate agency of the State of Mississippi, provided that the agency specifically recognizes that the procedures covered by these regulations are within the scope of practice of the licensee or registrant.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 9: Fees

Rule 7.9.2 **Schedule of Fees**

1. Initial Registration Fee - $50.00
2. Renewal Fee-$50.00
3. Temporary Permit - $25.00
4. Reinstatement Fee - $200.00
5. Replacement Fee - $50.00
6. Registration Verification Fee - $25.00

SOURCE: Miss. Code Ann. § 41-58-3

CHAPTER 9: REGULATIONS GOVERNING LICENSURE OF RESPIRATORY CARE PRACTITIONERS

Subchapter 1: GENERAL

Rule 9.1.3 **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. **"Board"** shall mean the Mississippi State Board of Health.
2. **"Council"** shall mean the Respiratory Care Advisory Council.
3. **"License"** shall mean the document of licensure issued by the Board.
4. "**Respiratory care"** shall mean the allied health professions responsible for the treatment, management, diagnostic, testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system, pursuant to the orders of a physician licensed in the State of Mississippi, and includes inhalation therapy and respiratory therapy.

5. **"Practice of respiratory care"** shall include, but not be limited to: direct and indirect respiratory care services, including, but not limited to, the administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a physician; transcription and implementation of the written or verbal orders of a physician pertaining to the practice of respiratory care; observing and monitoring signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general response exhibit abnormal characteristics; and implementation based on observed abnormalities, of appropriate reporting, referral, respiratory care protocols or changes in treatment, pursuant to a prescription by a person authorized to practice medicine under the laws of the State of Mississippi; or the initiation of emergency procedures under the regulations of the Board or as otherwise permitted in this act. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, and private dwelling or other place deemed appropriate or necessary of the Board, in accordance with the prescription or verbal order of a physician.

6. **"Performance of respiratory care"** means respiratory care in accordance with the prescription of a licensed physician and includes, but is not limited to, the diagnostic and therapeutic use of the following: administration of medical gases (except for the purpose of anesthesia), aerosols and humidification; environmental control mechanisms and hyperbaric therapy; pharmacologic agents related to respiratory care procedures; mechanical or physiological ventilatory support; bronchopulmonary hygiene; cardiopulmonary resuscitation; maintenance of the natural airway; insertion and maintenance of artificial airways; specific diagnostic and testing techniques employed in the medical management of patients to assist in diagnosis, monitoring, treatment and research of pulmonary abnormalities, including measurements of ventilatory volumes, pressures, flows, collection of specimens of blood and blood gases, expired and inspired gas samples, respiratory secretions, and pulmonary function testing; and hemodynamic and other related physiologist measurements of the cardiopulmonary system.

7. **"Respiratory care practitioner"** means:

   a. A person employed in the practice of respiratory care who has the knowledge and skill necessary to administer respiratory care.

   b. A person who is capable of serving as a resource to the physician in relation to the technical aspects of respiratory care as to safe and effective methods for administering respiratory care modalities;

   c. A person who is able to function in situations of unsupervised patient contact requiring great individual judgment; and

d. A person capable of supervising, directing, and teaching less skilled personnel in the provision of respiratory care services.

8. [Reserved]

9. [Reserved]

10. **"Examination"** shall mean an entry-level examination as administered by the National Board for Respiratory Care (NBRC), or its successor Board, to practice respiratory care or other examination that the Board may approve.

11. **"Department"** shall mean the Mississippi Department of Health.

12. **"Initiation of Emergency Procedure"** shall include, but not be limited to, Advanced Cardiac Life Support, Pediatric Advanced Life Support, and Neonatal Resuscitation Program, in emergency situations. Procedures not covered in (1-3(e) and (f) above may be performed by only those Licensed Respiratory Care Practitioners who have successfully completed a course in each respective appropriate discipline as governed by the American Heart Association, in accordance with the prescription or verbal order of a physician.

13. **"Written orders of a physician"** shall include, in a hospital licensed in the State of Mississippi, a set of criteria/requirements outlined and adopted by the appropriate medical advisory body within the institution and made part of the formal hospital procedure for respiratory care.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 2: RESPIRATORY CARE ADVISORY COUNCIL ("COUNCIL")

Rule 9.2.2 **Meeting:** The Council shall meet at least twice each year. Additional meetings may be held, at the discretion of the chairperson of the Council or of the Board, upon ten (10) day written notice to the Council members. A quorum shall consist of five (5) members of the Council, including the chairperson, and shall be necessary for the Council to take action by vote.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 4: Licensure

Rule 9.4.1 **Licensure Requirements:** An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant holds a credential, conferred by the National Board of Respiratory Care, or its successor Board, as a Certified Respiratory Technician (CRT) and/or a Registered Respiratory Therapist (RRT), or their successor credentials, providing such credentials have not been suspended or revoked, or at the time of application have not lapsed.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.4.2 [Reserved]

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.4.3 **Temporary Permit:**

The Board may, in its discretion, issue a temporary permit to practice respiratory care for a period of six (6) months to an applicant for a license, pending the compliance of the requirements for licensure, providing the applicant submits to the Department, verified by oath, in form and content satisfactory to the Department that the applicant is a student in an approved respiratory care education program and expects to graduate within thirty (30) days of the application for a temporary permit and who is eligible to sit for the CRT, RRT, or their successor examination.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 5: Professional Identification

Rule 9.5.2 **Production and Display of License:** A person issued a license to practice respiratory care by the Mississippi State Board of Health shall show said license when requested.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 6: Renewal of License

Rule 9.6.1 **General Provisions:**

1. The Board shall issue licenses which shall be renewed biennially, beginning with the first renewal term after the issuance of the license.

2. The licensure period for renewal purposes shall be construed as September 1st through August 31st of odd numbered years.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.6.2 **Procedure for Renewal of License:** The Department shall provide notices, at least thirty (30) days prior to the renewal date, to the last address registered with the board, to the persons to whom licenses were issued or renewed during the preceding renewal period. The notice of renewal shall indicate the renewal process and required fees to be completed before the date of expiration.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 7: Continuing Education

Rule 9.7.5 **Reporting Procedures for Continuing Education:** Continuing education hours shall be submitted at the time of renewal. It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

1. Attendance at seminars, workshops, presentations: Verification of attendance shall be made by the submission of a continuing education certificate, a continuing education reporting form signed by the program chairperson, or proof of having filed with the AARC.

2. Academic course work credits to be accrued must meet the content criteria in Sections 7-3, be cited by title on the continuing education form, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 8: Revocation, Suspension and Denial of License

Rule 9.8.4 **Investigation:** All complaints will be evaluated, and if deemed necessary, investigated, by the authorized employee of the Department.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 9: Exceptions and Exemptions

Rule 9.9.1 **Exceptions:** No person shall practice respiratory care or represent himself to be a respiratory care practitioner unless he is licensed by the Board, except as otherwise provided in this section.

1. The person is involved in the practice of respiratory care which is an integral part of the program of study by students enrolled in a respiratory care education program recognized by the Joint Review Committee for Respiratory Therapy Education and the American Medical Association Council on Allied Health Education or their successors. Unlicensed students enrolled in respiratory therapy education programs shall be identified as "Student-RCP" and shall only provide respiratory care under direct clinical supervision. Direct Clinical Supervision shall mean under the direct control of a clinical instructor of the respiratory care education program in which the unlicensed student is enrolled, or his designee. The clinical instructor or his designee shall be a Licensed Respiratory Care Practitioner in the State of Mississippi, who shall be readily accessible and accountable at all times when respiratory care is being provided by the unlicensed student. It shall be a violation of these regulations for an unlicensed student to receive compensation for providing respiratory care services. It shall also be a violation of these regulations to knowingly compensate an unlicensed student for providing respiratory care services.

2. Self-care by a patient, or gratuitous care by a friend or family member who does not represent or hold himself out to be a respiratory care practitioner.

3. Respiratory care services rendered in the course of an emergency.

4. Persons in the military services or working in federal facilities shall be exempted from the provisions of this act when functioning in the course of their assigned duties.

5. The respiratory care practitioner is engaged in performing advances in the art and techniques of respiratory care learned through formalized or specialized training.

6. Nothing in these regulations is intended to limit, preclude, or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of Mississippi.

7. An individual, who, by passing an examination which includes content in one or more of the functions included in these regulations, shall not be prohibited from performing such procedures for which he was tested, so long as the testing body offering the examination is certified by the National Commission for Health Certifying Agencies or its equivalent, and so long as the individual is a licensed health care provider in the State of Mississippi.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 10: [Reserved]

SOURCE: Miss. Code Ann. §73-57-13.