Article 166, Medical Physics Practice

§ 8700. Introduction.

This article applies to the profession of medical physics. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

§ 8701. Definitions.

As used in this article:

1. "Clinical" shall mean activities directly relating to the treatment or diagnosis of human ailments.
2. "Specialty" or "specialty area" shall mean the following branch or branches of special competence within medical physics:
    a. "Diagnostic radiological physics" shall mean the branch of medical physics relating to the diagnostic application of radiation, the analysis and interpretation of image quality, performance measurements and the calibration of equipment associated with the production and use of such radiation, the analysis and interpretation of measurements associated with patient doses and exposures, and the radiation safety aspects associated with the production and use of such radiation;
    b. "Medical health physics" shall mean the branch of medical physics pertaining to the radiation safety aspects of the use of radiation for both diagnostic and therapeutic purposes, and the use of equipment to perform appropriate radiation measurements;
    c. "Medical nuclear physics" shall mean the branch of medical physics pertaining to the therapeutic and diagnostic application of radionuclides, excluding those used in sealed sources for therapeutic purposes, the analysis and interpretation of performance measurements associated with radiation imaging equipment and performance oversight of radionuclide calibration equipment associated with the use and production of radionuclides, the analysis and interpretation of measurements and calculations associated with patient organ doses, and the radiation safety aspects associated with the production and use of such radionuclides; and
    d. "Therapeutic radiological physics" or "radiation oncology physics" shall mean the branch of medical physics relating to the therapeutic application of radiation, the analysis and interpretation of radiation equipment performance measurements and the calibration of equipment associated with the production and use of such radiation, the analysis and

interpretation of measurements associated with patient doses, and the radiation safety aspects associated with the production and use of such radiation.

3. "Medical physics" shall mean the branch of physics limited to the field of radiological physics.
4. "Radiation" shall mean all ionizing radiation above background levels or any non-ionizing radiation used in diagnostic imaging or in radiation oncology.
5. "Radiological physics" shall mean diagnostic radiological physics, therapeutic radiological physics or radiation oncology physics, medical nuclear physics and medical health physics.
6. "Radiological procedure" shall mean any test, measurement, calculation or radiation exposure for the purpose of diagnosis or treatment of any medical condition of a human, including therapeutic radiation, diagnostic imaging and measurements, and nuclear medicine procedures.

§ 8702. Definition of "practice of medical physics".

1. The "practice of the profession of medical physics" shall mean the use and application of accepted principles and protocols of physics in a clinical setting to assure the correct quality, quantity and placement of radiation during the performance of a radiological procedure, so as to protect the patient and other persons from harmful, excessive or misapplied radiation. Such practice shall include, but not necessarily be limited to: radiation beam calibration and characterization; oversight and responsibility for patient radiation dose measurement, calculation and reporting; oversight and responsibility for quality control; instrument specification; optimization of image quality; acceptance testing; shielding design; protection analysis on radiation emitting equipment and radio-pharmaceuticals; and consultation with a physician to assure accurate radiation dosage and application to a specific patient.
2. A license to practice medical physics shall be issued with special competency in one or more specialty areas in which the licensee has satisfied the requirements of section eighty-seven hundred five of this article.
3. The practice in any specialty by a person whose license is not issued with special competency for such specialty shall be deemed the unauthorized practice of the profession of medical physics.
4. Only a person licensed under this article shall practice the profession of medical physics.

§ 8703. Use of the title "professional medical physicist".

Only a person licensed under this article shall use the title "professional medical physicist".

§ 8704. State committee for medical physics.

1. A state committee for medical physics shall be appointed by the board of regents upon the recommendation of the commissioner and shall assist on matters of licensure and professional conduct in accordance with section sixty-five hundred eight of this title. Notwithstanding the provisions of section sixty-five hundred eight of this title, the committee shall assist the board for medicine solely in medical physics matters, which board shall also function as the state board for medical physics. The licensure requirements for professional medical physicists shall be waived for the initial committee appointees, provided that such appointees shall have received national certification in their specialty.
2. The committee shall consist of eight individuals, to be composed of the following:
    a. Four licensed medical physicists represented by each of the following specialties:
        i. diagnostic radiological physics,
        ii. therapeutic radiological or radiation oncology physics,
        iii. medical nuclear physics, and
        iv. medical health physics;
    b. Three licensed physicians represented by each of the following specialties:
        i. diagnostic radiology,
        ii. radiation therapy or radiation oncology, and
        iii. nuclear medicine; and
    c. A representative of the public at large.

§ 8705. Requirements and procedures for professional licensure.

To qualify for a license as a professional medical physicist, an applicant shall fulfill the following requirements:

1. Application: file an application with the department;
2. Education: have received an education including a master's or doctoral degree from an accredited college or university in accordance with the commissioner's

regulations. Such person shall have completed such courses of instruction as are deemed necessary by the commissioner to practice in the medical physics specialty in which the applicant has applied for a license;
3. Experience: have experience in his or her medical physics specialty satisfactory to the board and in accordance with the commissioner's regulations;
4. Examination: pass an examination in his or her medical specialty satisfactory to the board and in accordance with the commissioner's regulations. The examination requirement may be waived by the board on recommendation of the commissioner for certain applicants with extensive experience as a medical physicist;
5. Age: be at least twenty-one years of age;
6. Fee: pay a fee of three hundred dollars to the department for admission to a department conducted examination for licensure, a fee of one hundred fifty dollars for licensure with special competency in the first specialty and twenty-five dollars for each additional specialty, and a fee of three hundred dollars for each biennial registration period.

§ 8706. Limited permits.

Permits limited as to eligibility, practice and duration shall be issued by the department to eligible applicants, as follows:

1. Eligibility. The following persons shall be eligible for a limited permit:
    a. a person who fulfills all requirements for a license as a professional medical physicist except those relating to examination or experience; or
    b. a medical physics student enrolled in a graduate or post-graduate curriculum approved by the department;
2. Limit of practice. A permittee shall be authorized to practice medical physics only under the direct and immediate supervision of a professional medical physicist and only in the specialty of such professional medical physicist;
3. Duration. A limited permit shall be valid for two years. It may be renewed biennially at the discretion of the department;
4. Fee. The fee for each limited permit and for each renewal shall be sixty dollars.

§ 8707. Exemptions.

Nothing in this article shall be construed to affect, prevent or in any manner expand or limit the authority of any person otherwise authorized by law or regulation to practice any function of a medical physicist, or any department or agencyauthorized by law or

regulation to regulate the use of radiation,nor prohibit the repair or calibration of any test equipment used by professional medical physicists by any person otherwise allowed to do so under state or federal law, nor serve to limit radiologic and/or imaging technicians or any individual otherwise authorized by law or regulation from performing quality control measurements or obtaining quality control data, nor serve to limit a service engineer in the repair of radiation producing equipment nor an installation engineer in the installation of radiation producing equipment.

§ 8708. Licensure without examination.

1. Within eighteen months of the effective date of regulations implementing the provisions of this article [February 25, 2003], the department may issue a license to practice medical physics with special competency in one or more specialties in this state, without an examination, to a person who meets the requirements of subdivisions one, five and six of section eighty-seven hundred five of this article and who in addition has an earned bachelor's, master's or doctoral degree from an accredited college or university that signifies the completion of a course of study acceptable to the department, and has demonstrated to the department`s satisfaction, in the case of an earned bachelor's degree, the completion of at least fifteen years of full-time work experience in the medical physics specialty for which application is made, or, in the case of an earned master's or doctoral degree, the completion of at least two years of full-time work experience in the five years preceding the date of application in the medical physics specialty for which application is made and the equivalent of one year or more of full-time work experience in the ten years preceding the date of application for each additional specialty for which application is made.
2. On receipt of an application and fee pursuant to section eighty-seven hundred five of this article, the department may issue a license to practice medical physics with special competency in one or more specialties in this state to a person who holds a license to practice medical physics in another state, territory or jurisdiction that has requirements for licensing of medical physicists which the department determines to be substantially the same as the requirements of this article.

§ 8709. Separability.

If any section of this article, or part thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of any other section or part thereof.