

# STATE OF NEW YORK

7753

2023-2024 Regular Sessions

## IN ASSEMBLY

June 6, 2023

Introduced by M. of A. TAPIA -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to creating a registration and licensing process for limited-scope radiographers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 1, paragraph (c) of subdivision 2, and subdivision 4 of section 3502 of the public health law, as added by chapter 175 of the laws of 2006, are amended to read as follows:

2 1. The department shall issue separate licenses in the areas of radiography, radiation therapy and nuclear medicine technology to individuals who qualify under section thirty-five hundred five of this title. The department shall issue limited-scope radiographer licenses to individuals who qualify under sections thirty-five hundred three and thirty-five hundred five of this title.

3 (c) only persons licensed under this article shall practice radiography, radiation therapy or nuclear medicine technology or use the title "limited-scope radiographer," "radiographer," "radiologic technologist," "radiation therapist" or "nuclear medicine technologist" or use the abbreviations LRT, RTT, LRTT, NMT, or LNMT with his or her name; and

4 4. No radiologic technologist shall administer or inject intravenous contrast media unless (a) the individual is certified by the department to perform such function in accordance with the commissioner's rules and regulations (b) such administration or injection has been approved by a physician, physician's assistant, nurse practitioner or registered professional nurse within twenty-four hours prior to the administration or injection (c) a physician, physician's assistant, nurse practitioner or registered professional nurse performs an evaluation of the patient on the day of the procedure. Administration or injection of contrast media means and is limited to the placement or insertion of a needle or a catheter, not exceeding three inches in length and not above the level

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 of the axilla into a person's upper extremity and the administration or  
2 injection of the intravenous contrast media, manually or by mechanical  
3 injector, but does not mean the determination of the type or volume of  
4 media to be administered or injected. Limited-scope radiographers shall  
5 not be authorized under this article to inject intravenous contrast  
6 media.

7 § 2. Section 3501 of the public health law is amended by adding two  
8 new subdivisions 4-a and 13 to read as follows:

9 4-a. "Limited-scope radiographer" shall mean a person licensed pursu-  
10 ant to section thirty-five hundred three of this article to practice  
11 radiography at urgent care centers.

12 13. "Urgent care center" shall mean a diagnostic and treatment center  
13 established pursuant to article twenty-eight of this chapter, or an  
14 upgraded diagnostic and treatment center designated as such pursuant to  
15 section twenty-nine hundred fifty-six of this chapter.

16 § 3. The public health law is amended by adding a new section 3503 to  
17 read as follows:

18 § 3503. Limited-scope radiographers. 1. A license to practice as a  
19 limited-scope radiographer shall authorize a holder of such license to  
20 practice radiography at urgent care centers under direct supervision of  
21 a licensed practitioner.

22 2. The commissioner shall establish standards under which institutions  
23 of higher education in the state may offer courses and accrediting exam-  
24 inations for individuals to become limited-scope radiographers. Any such  
25 course or accrediting examination offered by an institution of higher  
26 education shall be approved by the commissioner and shall be subject to  
27 the requirements of section thirty-five hundred eight of this title.

28 3. The commissioner shall establish a registration process by which  
29 individuals may submit an application to the commissioner to be licensed  
30 as a limited-scope radiographer pursuant to this section. Such registra-  
31 tion process and application shall be consistent with the provisions of  
32 section thirty-five hundred seven of this title and shall include:

33 (a) an attestation that the applicant has completed an approved course  
34 and accrediting examination pursuant to subdivision two of this section,  
35 and received a passing score on such accrediting examination as deter-  
36 mined by the commissioner; and

37 (b) any other information as may be required by the commissioner.

38 4. The commissioner shall be authorized to promulgate any rules and/or  
39 regulations necessary for the effective implementation of this section.

40 § 4. The opening paragraph and paragraphs (d), (f) and (p) of subdivi-  
41 sion 1 of section 3510 of the public health law, the opening paragraph  
42 as amended and paragraph (p) as added by section 97 of part E of chapter  
43 56 of the laws of 2013, and paragraphs (d) and (f) as added by chapter  
44 175 of the laws of 2006, are amended to read as follows:

45 The license, registration or intravenous contrast administration  
46 certificate of a radiologic technologist, or license to practice as a  
47 limited-scope radiographer, may be suspended for a fixed period, revoked  
48 or annulled, or such licensee censured, reprimanded, subject to a civil  
49 penalty not to exceed two thousand dollars for every such violation, or  
50 otherwise disciplined, in accordance with the provisions and procedures  
51 defined in this article, provided that no civil penalty shall be  
52 assessed for any crime or misconduct that occurred outside the jurisdic-  
53 tion of New York state upon decision after due hearing that the individ-  
54 ual is guilty of the following misconduct:

55 (d) aiding and abetting in the practice of radiologic technology a  
56 person who is not a registered radiologic technologist or limited-scope

1 radiographer or who is practicing a form of radiologic technology which  
2 is beyond the scope of the individual's license;

3 (f) falsely impersonating a duly registered radiologic technologist or  
4 limited-scope radiographer or former duly registered radiologic technol-  
5 ogist or limited-scope radiographer, or is practicing radiologic tech-  
6 nology under an assumed name;

7 (p) having his or her license to practice as a radiologic technologist  
8 or limited-scope radiographer revoked, suspended or having other disci-  
9 plinary action taken, or having his or her application for a license  
10 refused, revoked or suspended or having voluntarily or otherwise surren-  
11 dered his or her license after a disciplinary action was instituted by a  
12 duly authorized professional disciplinary agency of another state, where  
13 the conduct resulting in the revocation, suspension or other discipli-  
14 nary action involving the license or refusal, revocation or suspension  
15 of an application for a license or the surrender of the license would,  
16 if committed in New York state, constitute professional misconduct under  
17 the laws of New York state. A radiologic technologist or limited-scope  
18 radiographer licensed in New York state who is also licensed or seeking  
19 licensure in another state must immediately report to the department any  
20 revocation, suspension or other disciplinary action involving the out-  
21 of-state license or refusal, revocation or suspension of an application  
22 for an out-of-state license or the surrender of the out-of-state  
23 license.

24 § 5. This act shall take effect immediately.