

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 subdivi-
2 sion 4 of section 3502 of the public health law, as added by chapter
3 175 of the laws of 2006, are amended to read as follows:

4 1. The department shall issue separate licenses in the areas of radi-
5 ography, radiation therapy and nuclear medicine technology to individ-
6 uals who qualify under section thirty-five hundred five of this title.
7 The department shall issue limited-scope radiographer licenses to indi-
8 viduals who qualify under sections thirty-five hundred three and thir-
9 ty-five hundred five of this title.

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

15 4. No radiologic technologist shall administer or inject intravenous
16 contrast media unless (a) the individual is certified by the department
17 to perform such function in accordance with the commissioner's rules and
18 regulations (b) such administration or injection has been approved by a
19 physician, physician's assistant, nurse practitioner or registered
20 professional nurse within twenty-four hours prior to the administration
21 or injection (c) a physician, physician's assistant, nurse practitioner
22 or registered professional nurse performs an evaluation of the patient
23 on the day of the procedure. Administration or injection of contrast
24 media means and is limited to the placement or insertion of a needle or
25 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.