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:

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:

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.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) falsely impersonating a duly registered radiologic technologist **or limited-scope radiographer** or former duly registered radiologic technologist **or limited-scope radiographer**, or is practicing radiologic technology under an assumed name;

(p) having his or her license to practice as a radiologic technologist **or limited-scope radiographer** revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state. A radiologic technologist **or limited-scope radiographer** licensed in New York state who is also licensed or seeking licensure in another state must immediately report to the department any revocation, suspension or other disciplinary action involving the out-of-state license or refusal, revocation or suspension of an application for an out-of-state license or the surrender of the out-of-state license.

§ 5. This act shall take effect immediately.