§ 3502. License required. 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.

2. Except where otherwise authorized by law:

(a) only licensed practitioners and persons licensed under this article are permitted to apply ionizing radiation to human beings, and only within the limits of their specific license;

(b) only licensed physicians who are authorized by a radioactive materials license or persons licensed under this article are permitted to use radiopharmaceuticals on human beings, and only within the limits of their specific license;

(c) only persons licensed under this article shall practice radiography, radiation therapy or nuclear medicine technology or use the title "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

(d) notwithstanding paragraph (c) of this subdivision, quality control tests and radiation therapy treatment planning may also be performed by individuals not licensed by this article.

3. On or after January first, two thousand nine no person shall practice nuclear medicine technology or hold himself or herself out as a nuclear medicine technologist unless the individual is the holder of a license pursuant to this article and in accordance with the commissioner's rules and regulations.

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 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.

5. The department shall issue an intravenous contrast administration certificate, as defined in this article, to an individual who is approved by the department. Such individual must:

(a) be a duly licensed and registered radiologic technologist in good standing under this article;

(b) demonstrate the satisfactory completion of education and training concerning the insertion of a needle and a catheter;

(c) demonstrate the satisfactory completion of training in recognition of adverse reactions and cardiopulmonary resuscitation;

(d) pay a biennial certification fee of twenty dollars; and

(e) meet such other criteria as may be established by the commissioner in regulation.

* 6. (a) (i) Notwithstanding the provisions of this section or any other provision of law, rule or regulation to the contrary, licensed practitioners, persons licensed under this article and unlicensed personnel employed at a local correctional facility, or secure or specialized secure detention facility may, in a manner permitted by the regulations promulgated pursuant to this subdivision, utilize body imaging scanning equipment that applies ionizing radiation to humans for purposes of screening incarcerated individuals committed to such local correctional facility, or individuals detained in, committed to, visiting or employed in a secure or specialized secure detention facility, in connection with the implementation of such facility's security program.

(ii) Notwithstanding the provisions of this section or any other provision of law, rule or regulation to the contrary, licensed practitioners, persons licensed under this article and unlicensed personnel employed at a state correctional facility or facility for youth placed with or committed to the office of children and family services may, in a manner permitted by the regulations promulgated

pursuant to this subdivision, utilize body imaging scanning equipment that applies ionizing radiation to humans for purposes of screening individuals detained in, committed to, visiting, or employed in such facility, in connection with the implementation of such facility's security program.

(iii) The utilization of such body imaging scanning equipment shall be in accordance with regulations promulgated by the department, or for local correctional facilities in cities having a population of two million or more, such utilization shall be in accordance with regulations promulgated by the New York city department of health and mental hygiene. The state commission of correction, in consultation with the department of corrections and community supervision and the office of children and family services, shall promulgate regulations establishing when body imaging scanning equipment will be used to screen visitors and individuals detained in or committed to state correctional facilities, secure or specialized secure detention facilities, or facilities for youth placed with or committed to the office of children and family services. Such regulations shall include provisions establishing that alternative methods of screening may be used to accommodate individuals who decline or are unable to be screened by body imaging scanning equipment for medical reasons and that alternative methods of screening may be used to accommodate individuals who decline to be screened for other reasons, unless security considerations warrant otherwise. Such regulations shall also ensure that no person shall be subjected to any form of harassment, intimidation, or disciplinary action for choosing to be searched by an alternative method of screening in lieu of body imaging scanning.

The department of corrections and community supervision and the office of children and family services shall promulgate regulations establishing when body imaging scanning equipment will be used to screen employees of the department of corrections and community supervision and the office of children and family services, provided, however that such regulations shall be consistent with the policies and procedures of the department of corrections and community supervision and the office of children and family services governing the search of employees. Such regulations shall include provisions establishing that alternative

methods of screening may be used to accommodate individuals who decline or are unable to be screened by body imaging scanning equipment for medical or other reasons. Such regulations shall also ensure that no person shall be subjected to any form of harassment, intimidation, or disciplinary action for choosing to be searched by an alternative method of screening in lieu of body imaging scanning. An employee's request to be searched by an alternative method of screening in lieu of body imaging scanning shall not, in itself, be grounds for disciplinary action against such employee.

(b) Prior to establishing, maintaining or operating any body imaging scanning equipment in a state or local correctional facility, secure or specialized secure detention facility, or facility for youth placed with or committed to the office of children and family services, the chief administrative officer of the facility shall ensure that such facility is in compliance with the regulations promulgated pursuant to this subdivision and otherwise applicable requirements for the installation, registration, maintenance, operation and inspection of body imaging scanning equipment.

(c) The regulations promulgated pursuant to subparagraph (ii) of paragraph (a) of this subdivision shall include, but not be limited to:

(i) A requirement that prior to operating body imaging scanning equipment, unlicensed personnel employed at state or local correctional facilities, secure or specialized secure detention facilities, or facilities for youth placed with or committed to the office of children and family services shall have successfully completed a training course approved by the department, or for local correctional facilities in cities of two million or more, approved by the New York city department of health and mental hygiene, and that such personnel receive additional training on an annual basis;

(ii) Limitations on exposure which shall be no more than fifty percent of the annual exposure limits for non-radiation workers as specified by applicable regulations, except that individuals under the age of eighteen shall not be subject to more than five percent of such annual exposure limits, and pregnant women shall not be subject to such scanning at any time. Procedures for identifying pregnant women shall be set forth in the regulations;

(iii) Registration with the department of each body imaging scanning

machine purchased or installed at a state or local correctional facility, secure or specialized secure detention facility, or facility for youth placed with or committed to the office of children and family services;

(iv) Inspection and regular reviews of the use of body imaging scanning equipment by the department or the New York city department of health and mental hygiene, as applicable; and

(v) A requirement that records be kept regarding each use of body imaging scanning equipment by the state or local correctional facility, secure or specialized secure detention facility, or facility for youth placed with or committed to the office of children and family services.

(d) For the purpose of this subdivision, "body imaging scanning equipment" or "equipment" means equipment that utilizes a low dose of ionizing radiation to produce an anatomical image capable of detecting objects placed on, attached to or secreted within a person's body.

(e) For the purposes of this subdivision:

(i) "Local correctional facility" shall have the same meaning as found in subdivision sixteen of section two of the correction law.

(ii) "State correctional facility" shall mean a "correctional facility" as defined in subdivision four of section two of the correction law.

(iii) "Secure detention facility" shall mean a secure detention facility certified by the office of children and family services pursuant to section five hundred three of the executive law.

(iv) "Specialized secure detention facility" shall mean a facility for adolescent offenders certified by the office of children and family services in consultation with the state commission of correction pursuant to subdivision nine of section five hundred three of the executive law.

(v) "Facility for youth placed with or committed to the office of children and family services" shall mean a facility operated pursuant to section five hundred four of the executive law.

(f) Any local government agency that utilizes body imaging scanning equipment in a local correctional, or secure or specialized secure detention facility under its jurisdiction shall submit an annual report to the department, the speaker of the assembly, and the temporary president of the senate. If body imaging scanning equipment is utilized

in one or more state correctional facilities or facilities for youth placed with or committed to the office of children and family services, the department of corrections and community supervision or the office of children and family services, as applicable, shall submit an annual report to the department, the speaker of the assembly, and the temporary president of the senate. Such report by the local government agency, the department of corrections and community supervision or the office of children and family services shall be submitted within eighteen months after the initial date of registration of such equipment with the department, and annually thereafter, and shall contain the following information as to each such facility:

(i) for local correctional facilities, the number of times the equipment was used on incarcerated individuals, or for secure or specialized secure detention facilities, the number of times the equipment was used on individuals placed with, committed to, visiting or employed in such facility, upon intake, after visits, and upon the suspicion of contraband, as well as any other event that triggers the use of such equipment, and the average, median, and highest number of times the equipment was used on any such individual, with corresponding exposure levels;

(ii) for state correctional facilities or facilities for youth placed with or committed to the office of children and family services, the number of times the equipment was used on individuals detained in, committed to, working in, or visiting the facility upon intake, before work shift, after work shift, before visits, after visits, and upon the suspicion of contraband, as well as any other event that triggers the use of such equipment, and the average, median, and highest number of times the equipment was used on any individual detained in, committed to, working in, or visiting the facility, with corresponding exposure levels;

(iii) the number of times the use of the equipment detected the presence of drug contraband, weapon contraband, and any other illegal or impermissible object or substance;

(iv) incidents or any injuries or illness resulting from the use of such equipment or reported by persons scanned by such equipment; and

(v) any other information the department may reasonably require.

* NB Repealed January 30, 2029