

SENATE, No. 3045

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED OCTOBER 15, 2018

Sponsored by:
Senator BRIAN P. STACK
District 33 (Hudson)

SYNOPSIS

Requires licensure of sonographers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring licensure of sonographers and amending the title
2 and body of P.L.1981, c.295.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The title of P.L.1981, c.295 is amended to read as follows:

8 AN ACT providing for the regulation and licensing of radiologic
9 technologists and sonographers, establishing a radiologic
10 technology and sonography board in the Department of
11 Environmental Protection, amending P.L.1971, c.60 (C.45:1-
12 2.2), repealing P.L.1968, c.291 (C.45:25-1 et seq.), and
13 supplementing the "Radiation Protection Act," approved July 8,
14 1958 (P.L.1958, c.116, C.26:2D-1 et seq.).

15 (cf: P.L.1981, c.295, title)

16

17 2. Section 2 of P.L.1981, c.295 (C.26:2D-25) is amended to
18 read as follows:

19 2. This act shall be known and may be cited as the "Radiologic
20 Technologist and Sonographer Act."

21 (cf: P.L.1981, c.295, s.2)

22

23 3. Section 3 of P.L.1981, c.295 (C.26:2D-26) is amended to
24 read as follows:

25 3. As used in this act:

26 a. "Board" means the Radiologic Technology and Sonography
27 Board of Examiners created pursuant to section 5 of P.L.1981,
28 c.295 (C.26:2D-28).

29 b. "License" means a certificate issued by the board authorizing
30 the licensee to use equipment emitting ionizing radiation on human
31 beings for diagnostic or therapeutic purposes in accordance with the
32 provisions of this act.

33 c. "Chest x-ray technologist" means a person, other than a
34 licensed practitioner, whose practice of radiologic technology is
35 limited to the chest area for diagnostic purposes only.

36 d. "Commissioner" means the Commissioner of Environmental
37 Protection.

38 e. "Dental x-ray technologist" means a person, other than a
39 licensed practitioner, whose practice of radiologic technology is
40 limited to intraoral radiography for diagnostic purposes only.

41 f. "Health physicist" means a person who is certified by the
42 American Board of Health Physics or the American Board of
43 Radiology in radiation physics.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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- 1 g. "Licensed practitioner" means a person licensed or otherwise
2 authorized by law to practice medicine, dentistry, dental hygiene,
3 podiatric medicine, osteopathy or chiropractic.
- 4 h. "Radiation therapy technologist" means a person, other than
5 a licensed practitioner, whose application of radiation on human
6 beings is for therapeutic purposes.
- 7 i. "Diagnostic x-ray technologist" means a person, other than a
8 licensed practitioner, whose application of radiation on human
9 beings is for diagnostic purposes.
- 10 j. "Radiologic technologist" means any person who is licensed
11 pursuant to this act.
- 12 k. "Radiologic technology" means the use of equipment
13 emitting ionizing radiation on human beings for diagnostic or
14 therapeutic purposes under the supervision of a licensed
15 practitioner.
- 16 l. "Podiatric x-ray technologist" means a person, other than a
17 licensed practitioner, whose practice of radiologic technology is
18 limited to the operation of x-ray machines as used by podiatrists on
19 the lower leg, foot and ankle area for diagnostic purposes only.
- 20 m. "Orthopedic x-ray technologist" means a person, other than a
21 licensed practitioner, whose practice of radiologic technology is
22 limited to the spine and extremities for diagnostic purposes only.
- 23 n. "Urologic x-ray technologist" means a person, other than a
24 licensed practitioner, whose practice of radiologic technology is
25 limited to the abdomen and pelvic area for diagnostic purposes
26 only.
- 27 o. "Radiologist" means a licensed practitioner specializing in
28 radiology certified by the American Board of Radiology, the
29 American Osteopathic Board of Radiology or other national
30 radiologic certifying body approved by the board.
- 31 p. "Radiologist assistant" means a person, other than a licensed
32 practitioner, who is a licensed radiologic technologist, is certified
33 and registered with a national radiologic certifying body approved
34 by the board, and is credentialed to provide primary advanced-level
35 radiology health care under the supervision of a licensed
36 radiologist.
- 37 q. "Sonographer" means a person who is licensed pursuant to
38 P.L.1981, c.295 (C.26:2D-24 et seq.) to practice sonography.
- 39 r. "Sonography" means the use of nonionizing high frequency
40 sound waves with specialized equipment to direct the sound waves
41 into areas of the human body to generate images for the assessment
42 and diagnosis of various medical conditions.
43 (cf: P.L.2017, c.281, s.1)
44
- 45 4. Section 5 of P.L.1981, c.295 (C.26:2D-28) is amended to
46 read as follows:
- 47 5. a. There is created a Radiologic Technology and Sonography
48 Board of Examiners which shall be an agency of the Commission

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1 on Radiation Protection in the Department of Environmental
2 Protection and which shall report to the commission. The board
3 shall consist of two commission members appointed annually to the
4 membership of the board by the chairman of the commission, and
5 **[13]** 15 additional members appointed by the Governor with the
6 advice and consent of the Senate. Of the members appointed by the
7 Governor, two shall be radiologists who have practiced not less than
8 five years; two shall be sonographers who have practiced not less
9 than five years; one shall be a licensed physician who has actively
10 engaged in the practice of medicine not less than five years; one
11 shall be a licensed dentist who has actively engaged in the practice
12 of dentistry for not less than five years; one shall be a licensed
13 podiatrist who has actively engaged in the practice of podiatric
14 medicine for not less than five years; one shall be an administrator
15 of a general hospital with at least five years' experience; one shall
16 be a health physicist who has practiced not less than five years;
17 three shall be practicing radiologic technologists with at least five
18 years of experience in the practice of radiologic technology and
19 holders of current certificates issued pursuant to this act; two shall
20 be members of the general public; and one shall be a representative
21 of the department designated by the Governor pursuant to
22 subsection c. of section 2 of P.L.1971, c.60 (C.45:1-2.2).

23 b. The terms of office of the members appointed by the
24 Governor shall be three years. Vacancies shall be filled for an
25 unexpired term only in the manner provided for the original
26 appointment.

27 c. Members of the board shall serve without compensation but
28 shall be reimbursed for their reasonable and necessary traveling and
29 other expenses incurred in the performance of their official duties.

30 d. The commissioner shall designate an officer or employee of
31 the department to act as secretary of the board who shall not be a
32 member of the board.

33 e. The board, for the purpose of transacting its business, shall
34 meet at least once every four months at times and places fixed by
35 the board. At its first meeting each year it shall organize and elect
36 from its members a chairman. Special meetings also may be held at
37 times as the board may fix, or at the call of the chairman or the
38 commissioner. A written and timely notice of the time, place and
39 purpose of any special meeting shall be mailed by the secretary to
40 all members of the board.

41 f. A majority of the members of the board shall constitute a
42 quorum for the transaction of business at any meeting.
43 (cf: P.L.2005, c.259, s.33)

44
45 5. Section 6 of P.L.1981, c.295 (C.26:2D-29) is amended to
46 read as follows:

47 6. a. The board shall admit to examination for licensing any
48 applicant who shall pay to the department a nonrefundable fee

1 established by rule of the commission and submit satisfactory
2 evidence, verified by oath or affirmation, that the applicant:

- 3 (1) At the time of application is at least 18 years of age;
4 (2) Is of good moral character;
5 (3) Has successfully completed a four-year course of study in a
6 secondary school approved by the State Board of Education, or
7 passed an approved equivalency test.

8 b. In addition to the requirements of subsection a. hereof, any
9 person seeking to obtain a license in a specific area of radiologic
10 technology shall comply with the following requirements:

11 (1) Each applicant for a license as a diagnostic x-ray
12 technologist (LRT (R)) shall have satisfactorily completed a 24-
13 month course of study in radiologic technology approved by the
14 board or its equivalent, as determined by the board.

15 (2) Each applicant for a license as a radiation therapy
16 technologist (LRT(T)) shall have satisfactorily completed a 24-
17 month course in radiation therapy technology approved by the
18 board or the equivalent of such, as determined by the board.

19 (3) Each applicant for a license as a chest x-ray technologist
20 (LRT(C)) shall have satisfactorily completed the basic curriculum
21 for chest radiography as approved by the board or its equivalent, as
22 determined by the board.

23 (4) Each applicant for a license as a dental x-ray technologist
24 (LRT(D)) shall have satisfactorily completed the curriculum for
25 dental radiography as approved by the board or its equivalent, as
26 determined by the board.

27 (5) Each applicant for a license as a podiatric x-ray technologist
28 (LRT(P)) shall have satisfactorily completed the basic curriculum
29 for podiatric radiography as approved by the board or its equivalent,
30 as determined by the board.

31 (6) Each applicant for a license as an orthopedic x-ray
32 technologist (LRT(O)) shall have satisfactorily completed the basic
33 curriculum for orthopedic radiography as approved by the board or
34 its equivalent, as determined by the board.

35 (7) Each applicant for a license as an urologic x-ray technologist
36 (LRT(U)) shall have satisfactorily completed the basic curriculum
37 for urologic radiography as approved by the board or its equivalent,
38 as determined by the board.

39 (8) Each applicant for a license as a radiologist assistant (RA)
40 shall have satisfactorily completed the basic curriculum for a
41 radiologist assistant as approved by the board or its equivalent, as
42 determined by the board.

43 c. The board shall establish criteria and standards for programs
44 of diagnostic or radiation therapy and sonography and approve
45 these programs upon a finding that the standards and criteria have
46 been met.

47 d. In addition to the requirements of subsection a. of this
48 section, any person seeking to become licensed as a sonographer

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- 1 shall have satisfactorily completed the basic curriculum for a
- 2 sonographer as approved by the board or its equivalent, as

1 determined by the board.

2 (cf: P.L.2017, c.281, s.3)

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4 6. Section 7 of P.L.1981, c.295 (C.26:2D-30) is amended to
5 read as follows:

6 7. a. The program of diagnostic x-ray technology shall be at
7 least a 24-month course or its equivalent, as determined by the
8 board. The curriculum for this course may follow the Commission
9 on Accreditation of Allied Health Education Programs (CAAHEP)
10 standards; provided that the standards are not in conflict with board
11 policies.

12 b. The program of radiation therapy technology shall be at least
13 a 24-month course of study or its equivalent, as determined by the
14 board. The curriculum for the course may follow the Commission
15 on Accreditation of Allied Health Education Programs (CAAHEP)
16 standards; provided that the standards are not in conflict with board
17 policies.

18 c. The board shall establish criteria and standards for programs
19 of chest radiography, podiatric radiography, orthopedic
20 radiography, urologic radiography, dental radiography, **[and]**
21 radiologist assistants, and sonography and approve the programs
22 upon a finding that the standards and criteria have been met.

23 d. An approved program of radiologic technology may be
24 offered by a medical or educational institution or other public or
25 private agency or institution, and, for the purpose of providing the
26 requisite clinical experience, shall be affiliated with one or more
27 hospitals that, in the opinion of the board, are likely to provide the
28 experience.

29 e. The program of sonography shall include the programmatic
30 accreditation by the Accrediting Bureau of Health Education
31 Schools (ABHES) as an approved curriculum program.

32 (cf: P.L.2017, c.281, s.4)

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34 7. Section 8 of P.L.1981, c.295 (C.26:2D-31) is amended to
35 read as follows:

36 8. a. Each applicant shall be required to pass a license
37 examination designated and approved by the board for his specialty.

38 b. The board shall hold an examination at least once every 6
39 months at times and places as the board may determine.

40 c. An applicant who fails to pass the examination may reapply
41 for the examination; provided the applicant complies with the
42 conditions established by the board.

43 d. The board may accept, in lieu of its own examination, a
44 current certificate of the American Registry of Radiologic
45 Technologists issued on the basis of a registry examination
46 satisfactory to the board, provided that the standards of that agency
47 are at least as stringent as those established by the board.

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1 e. The board may accept, in lieu of its own examination, a
2 current certificate, registration or license as a radiologic
3 technologist issued by another state, provided that the standards in
4 the other state are at least as stringent as those established by the
5 board.

6 f. The board may accept, in lieu of its own examination, a
7 current certificate of the New Jersey Board of Dentistry issued on
8 the basis of satisfactory completion of the certification examination
9 given by the Certifying Board of the American Dental Assistants'
10 Association and any educational requirements as may be prescribed
11 by the New Jersey Board of Dentistry, provided that the standards
12 of that association are at least as stringent as those established by
13 the board.

14 g. In the case of an applicant seeking licensure as a
15 sonographer, the board may accept, in lieu of its own examination,
16 a current certificate of the National Certification Medical
17 Association, American Registry of Radiologic Technologists,
18 American Registry for Diagnostic Medical Sonography,
19 Cardiovascular Credentialing International, or any other
20 certification organization approved by the board, issued on the basis
21 of a registry examination satisfactory to the board, provided that the
22 standards of that agency are at least as stringent as those established
23 by the board.

24 (cf: P.L.1981, c.295, s.8)

25

26 8. Section 9 of P.L.1981, c.295 (C.26:2D-32) is amended to
27 read as follows:

28 9. a. The board shall issue a license to each candidate who has
29 either successfully passed the examination, or who has paid the
30 prescribed fee and has qualified under subsection d., e., **[or]** f., or
31 g. of section 8 of this act.

32 b. The board may, in its discretion, issue a limited license to
33 any applicant who does not qualify, by reason of a restricted area or
34 duration of training and experience, for the issuance of a license
35 under the provisions of section 7 or 9 of this act, but who has
36 demonstrated to the satisfaction of the board by examination that he
37 is capable of performing the functions of a radiologic technologist
38 in chest x-ray technology or of acting as a dental x-ray technologist,
39 orthopedic x-ray technologist, urologic x-ray technologist or
40 podiatric x-ray technologist. A limited license shall specify the
41 activities that its holder may engage in, and shall be issued only if
42 the board finds that its issuance will not violate the purposes of this
43 act or tend to endanger the public health and safety.

44 c. The board may, in its discretion, issue a temporary license to
45 any person whose license or relicensure may be pending and in whose
46 case the issuance of a temporary license may be justified by reason
47 of special circumstances. A temporary license shall be issued only
48 if the board finds that its issuance will not violate the purposes of

1 this act or tend to endanger the public health and safety. A
2 temporary license shall expire 90 days after the date of the next
3 examination, if the applicant is required to take the same, or, if the
4 applicant does not take the examination, then on the date of the
5 examination. In all other cases, a temporary license shall expire
6 when the determination is made either to issue or deny the applicant
7 a regular license and in no event shall a temporary license be issued
8 for a period longer than 180 days.

9 d. Every radiologic technologist shall carry his current license
10 on his person at work. The license shall be displayed on request.

11 (cf: P.L.1985, c.540, s.6)

12
13 9. Section 11 of P.L.1981, c.295 (C.26:2D-34) is amended to
14 read as follows:

15 11. a. The license of a radiologic technologist or sonographer
16 may be suspended for a fixed period, or may be revoked, or the
17 technologist or sonographer may be censured, reprimanded, or
18 otherwise disciplined, in accordance with the provisions and
19 procedures defined in P.L.1981, c.295 (C.26:2D-25 et seq.), if after
20 due hearing it is determined that the technologist or sonographer:

21 (1) Is guilty of any fraud or deceit in the person's activities as a
22 radiologic technologist or sonographer or has been guilty of any
23 fraud or deceit in procuring a license;

24 (2) Has been convicted in a court of competent jurisdiction,
25 either within or without this State, of a crime involving moral
26 turpitude, except that if the conviction has been reversed and the
27 holder of the license discharged or acquitted, or if the person has
28 been pardoned or the person's civil rights restored, the license may
29 be restored;

30 (3) Has or had any medical problem, disability, or substance use
31 disorder which, in the opinion of the board, would impair the
32 person's professional competence;

33 (4) Has aided and abetted a person who is not a licensed
34 radiologic technologist or sonographer or otherwise authorized
35 pursuant to section 4 of P.L.1981, c.295 (C.26:2D-27) in engaging
36 in the activities of a radiologic technologist or sonographer;

37 (5) Has undertaken or engaged in any practice beyond the scope
38 of the authorized activities of a radiologic technologist or
39 sonographer pursuant to P.L.1981, c.295 (C.26:2D-24 et seq.);

40 (6) Has falsely impersonated a duly licensed or former duly
41 licensed radiologic technologist or sonographer or is engaging in
42 the activities of a radiologic technologist or sonographer under an
43 assumed name;

44 (7) Has been guilty of unethical conduct as defined by rules
45 promulgated by the commission;

46 (8) Has continued to practice without obtaining a license
47 renewal as required by P.L.1981, c.295 (C.26:2D-24 et seq.);

1 (9) Has applied ionizing radiation to a human being without the
2 specific direction of a duly licensed practitioner as defined herein;
3 or to any person or part of the human body outside the scope of the
4 specific authorization;

5 (10) Has acted or is acting as an owner, co-owner, or employer in
6 any enterprise engaged in the application of ionizing radiation to
7 human beings for the purpose of diagnostic interpretation,
8 chiropractic analysis, or the treatment of disease;

9 (11) Has expressed to a member of the public an interpretation of
10 a diagnostic x-ray film or fluorescent image;

11 (12) Has used or is using the prefix "Dr.," unless entitled to do so
12 pursuant to a degree granted, the word "doctor" or any suffix or
13 affix to indicate or imply that the radiologic technologist is a duly
14 licensed practitioner as defined herein when not so licensed; or

15 (13) Is or has been guilty of incompetence or negligence in the
16 person's activities as a radiologic technologist or sonographer.

17 b. Proceedings against any radiologic technologist or
18 sonographer under this section shall be instituted by filing with the
19 board a written charge or charges under oath against the radiologic
20 technologist or sonographer. The charges may be preferred by any
21 person, corporation, association or public officer, or by the board in
22 the first instance. A copy thereof, together with a report of the
23 investigation as the board shall deem proper, shall be referred to the
24 commission for its recommendation to the commissioner. If the
25 commissioner determines the matter to be a contested case, the
26 commissioner shall either designate three or more members of the
27 board as a committee to hear and report on the charges and shall set
28 a time and place for the hearing or shall refer the matter to the
29 Office of Administrative Law for hearing before an administrative
30 law judge, pursuant to the "Administrative Procedure Act,"
31 P.L.1968, c.410 (C.52:14B-1 et seq.). For the purpose of this
32 section, the board, its committee, or the administrative law judge
33 shall have power to issue subpoenas for the appearance of witnesses,
34 and to take testimony under oath. Upon review of the record of the
35 hearing, the commissioner may affirm, modify, or reject the written
36 report and recommendation of the committee or the administrative
37 law judge. If the commissioner finds that the charges have not been
38 proved, the commissioner shall order them dismissed. If the
39 charges are found to be true, the commissioner may, in the
40 commissioner's discretion, issue an order suspending or revoking
41 the license of the accused, or otherwise disciplining the accused.

42 c. When the license of any person has been revoked or
43 annulled, as herein provided, the board may, after the expiration of
44 two years, accept an application for restoration of the license.

45 (cf: P.L.2017, c.131, s.84)

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47 10. Section 12 of P.L.1981, c.295 (C.26:2D-35) is amended to
48 read as follows:

1 12. a. No person shall knowingly or negligently employ as a
2 radiologic technologist or sonographer any person who requires and
3 does not possess a valid license to engage in the activities of a
4 radiologic technologist or sonographer.

5 b. No person shall knowingly or negligently employ as a
6 radiologist assistant any person who requires and does not possess a
7 valid license to engage in the activities of a radiologist assistant.
8 (cf: P.L.2017, c.281, s.5)

9
10 11. This act shall take effect on the first day of the sixth month
11 following enactment.

12

13

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STATEMENT

15

16 This bill requires sonographers to become licensed in order to
17 practice sonography in New Jersey. The bill amends current law
18 concerning radiologic technology and medical imaging to include
19 sonographers under the licensing laws for radiologic technologists
20 and radiologist assistants.

21 Under the bill, sonography is defined as the use of nonionizing
22 high frequency sound waves with specialized equipment to direct
23 the sound waves into areas of the human body to generate images
24 for the assessment and diagnosis of various medical conditions.

25 The bill retitles the Radiologic Technology Board of Examiners
26 as the Radiologic Technology and Sonography Board of Examiners,
27 and adds two members to that board, who must be sonographers
28 who have practiced not less than five years.

29 The bill provides that any person seeking to become licensed as a
30 sonographer must:

31 (1) At the time of application be at least 18 years of age;

32 (2) Be of good moral character;

33 (3) Have successfully completed a four-year course of study in a
34 secondary school approved by the State Board of Education, or
35 passed an approved equivalency test; and

36 (4) Have satisfactorily completed the basic curriculum for a
37 sonographer as approved by the board or its equivalent, as
38 determined by the board.

39 The bill requires the board to establish criteria and standards for
40 programs of sonography and approve the programs upon a finding
41 that the standards and criteria have been met. The program of
42 sonography must include the Accrediting Bureau of Health
43 Education Schools (ABHES) as an approved curriculum program.

44 Each applicant for licensure as a sonographer must pass a license
45 examination designated and approved by the board for sonography,
46 provided that the board may accept, in lieu of its own examination,
47 a current certificate of the National Certification Medical
48 Association, American Registry of Radiologic Technologists,

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1 American Registry of Diagnostic Medical Sonography,
2 Cardiovascular Credentialing International, or other certification
3 organization approved by the board, issued on the basis of a registry
4 examination satisfactory to the board, provided that the standards of
5 that agency are at least as stringent as those established by the
6 board.

7 The bill also applies many of the provisions of current law
8 concerning procedures for licensure, discipline, and employment of
9 radiologic technologists to sonographers.