

ASSEMBLY, No. 3259

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman LISA SWAIN
District 38 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Murphy

SYNOPSIS

Requires licensure of sonographers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

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.

44 g. "Licensed practitioner" means a person licensed or otherwise
45 authorized by law to practice medicine, dentistry, dental hygiene,

**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.

1 podiatric medicine, osteopathy or chiropractic.

2 h. "Radiation therapy technologist" means a person, other than
3 a licensed practitioner, whose application of radiation on human
4 beings is for therapeutic purposes.

5 i. "Diagnostic x-ray technologist" means a person, other than a
6 licensed practitioner, whose application of radiation on human
7 beings is for diagnostic purposes.

8 j. "Radiologic technologist" means any person who is licensed
9 pursuant to this act.

10 k. "Radiologic technology" means the use of equipment
11 emitting ionizing radiation on human beings for diagnostic or
12 therapeutic purposes under the supervision of a licensed
13 practitioner.

14 l. "Podiatric x-ray technologist" means a person, other than a
15 licensed practitioner, whose practice of radiologic technology is
16 limited to the operation of x-ray machines as used by podiatrists on
17 the lower leg, foot and ankle area for diagnostic purposes only.

18 m. "Orthopedic x-ray technologist" means a person, other than a
19 licensed practitioner, whose practice of radiologic technology is
20 limited to the spine and extremities for diagnostic purposes only.

21 n. "Urologic x-ray technologist" means a person, other than a
22 licensed practitioner, whose practice of radiologic technology is
23 limited to the abdomen and pelvic area for diagnostic purposes
24 only.

25 o. "Radiologist" means a licensed practitioner specializing in
26 radiology certified by the American Board of Radiology, the
27 American Osteopathic Board of Radiology or other national
28 radiologic certifying body approved by the board.

29 p. "Radiologist assistant" means a person, other than a licensed
30 practitioner, who is a licensed radiologic technologist, is certified
31 and registered with a national radiologic certifying body approved
32 by the board, and is credentialed to provide primary advanced-level
33 radiology health care under the supervision of a licensed
34 radiologist.

35 q. "Sonographer" means a person who is licensed pursuant to
36 P.L.1981, c.295 (C.26:2D-24 et seq.) to practice sonography.

37 r. "Sonography" means the use of nonionizing high frequency
38 sound waves with specialized equipment to direct the sound waves
39 into areas of the human body to generate images for the assessment
40 and diagnosis of various medical conditions.

41 (cf: P.L.2017, c.281, s.1)

42

43 4. Section 5 of P.L.1981, c.295 (C.26:2D-28) is amended to
44 read as follows:

45 5. a. There is created a Radiologic Technology and Sonography
46 Board of Examiners which shall be an agency of the Commission
47 on Radiation Protection in the Department of Environmental
48 Protection and which shall report to the commission. The board

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

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

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

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

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

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

42

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

45 6. a. The board shall admit to examination for licensing any
46 applicant who shall pay to the department a nonrefundable fee
47 established by rule of the commission and submit satisfactory
48 evidence, verified by oath or affirmation, that the applicant:

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

2 (2) Is of good moral character;

3 (3) Has successfully completed a four-year course of study in a
4 secondary school approved by the State Board of Education, or
5 passed an approved equivalency test.

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

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

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

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

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

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

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

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

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

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

45 d. In addition to the requirements of subsection a. of this
46 section, any person seeking to become licensed as a sonographer
47 shall have satisfactorily completed the basic curriculum for a

1 sonographer as approved by the board or its equivalent, as
2 determined by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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)

46

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

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

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

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

STATEMENT

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

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

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

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

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

(2) Be of good moral character;

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

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

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

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

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.