

## **SUBCHAPTER 19. RADIOLOGIC TECHNOLOGY**

### **7:28-19.1 Purpose, scope and applicability**

(a) The purpose of this subchapter is to prohibit unnecessary ionizing radiation exposure and to prevent improper exposure of humans to ionizing radiation from radiologic technology, as set forth in the Radiologic Technologist Act.

(b) This subchapter:

1. Requires that all ionizing radiation-producing equipment be used in such a manner as to prevent unnecessary ionizing radiation exposure to humans;
2. Establishes educational and licensure requirements and delineates the scope of practice for persons engaged in the practice of radiologic technology;
3. Establishes responsibilities of licensed practitioners as related to radiologic technology, as well as owners and registrants of ionizing radiation-producing equipment used on humans;
4. Establishes standards for the approval and operation of schools of radiologic technology; and
5. Defines the practice of radiologist assistant as it pertains to fluoroscopic procedures.

(c) The following persons are not required to possess a radiologic technology license under this subchapter in order to perform the activities of a radiologic technologist, but are otherwise subject to the requirements of this subchapter unless specifically exempted:

1. A licensed practitioner as defined in N.J.A.C. 7:28-19.2, provided that the licensed practitioner is practicing within the scope of his or her license;

2. A dental hygienist registered by the New Jersey State Board of Dentistry, provided that the hygienist is practicing within the scope of his or her registration;

3. A person enrolled in and attending a school or college of medicine, osteopathy, podiatric medicine, chiropractic, dentistry or dental hygiene, who is acting within the school's curriculum, when the person is performing tasks within the scope of practice of a radiologic technologist and is under the direct supervision of either a licensed practitioner or a licensed radiologic technologist; and

4. A person who is:

- i. Enrolled in and attending a Board-approved school of radiologic technology;
- ii. Acting within the school's curriculum as approved in accordance with this subchapter and with the school's permission;
- iii. Identified on the student list filed by the school with the Department;
- iv. Acting in a clinical education center approved by the Board; and
- v. Acting under the appropriate level of supervision as required by N.J.A.C. 7:28-19.12(b) and (c).

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(d) This subchapter does not apply to the use of ionizing radiation in veterinary medicine or in radiological examinations of deceased humans.

(e) This subchapter does not establish educational and licensure requirements for nuclear medicine technologists, which are set forth at N.J.A.C. 7:28-24.

(f) This subchapter does not apply to the use of ionizing radiation-producing equipment, identified at N.J.A.C. 7:28-17, 20 and 21.

### **7:28-19.2 Definitions**

In addition to the terms defined at N.J.A.C. 7:28-1 and N.J.S.A. 26:2D-1 et seq., the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Board” means the Radiologic Technology Board of Examiners created pursuant to N.J.S.A. 26:2D-24 et seq.

“Chest radiologic technologist (LRT(C))” means a person licensed in accordance with this subchapter whose scope of practice of radiologic technology is limited to the chest area for diagnostic purposes, as set forth at N.J.A.C. 7:28-19.4(a) and (d).

"Clinical education center" means a medical or dental facility (such as an office, hospital or imaging center) where students engage in the practice of radiologic technology for clinical education purposes.

“Commission” means the Commission on Radiation Protection as established by the Radiation Protection Act N.J.S.A 26:2D-1 et seq.

“Commissioner” means the Commissioner of the New Jersey Department of Environmental Protection.

"Crime" means any crime as defined by the New Jersey Code of Criminal Justice (N.J.S.A. 2C:1-4(a)) or the equivalent under Federal law or the laws of any state.

“Delegated fluoroscopic procedures” are those procedures contained in the American Registry of Radiologic Technologists “Registered Radiologist Assistant Role Delineation” (January 2005), as supplemented or amended and incorporated herein by reference, that have been approved by the New Jersey State Board of Medical Examiners (BME) for the Radiologist Assistant to perform under the level of radiologist supervision specified by the BME. The Registered Radiologist Assistant Role Delineation is available at [www.arrt.org](http://www.arrt.org).

“Dental radiologic technologist (LRT(D))” means a person licensed in accordance with this subchapter whose scope of practice of radiologic technology is limited to dental radiography for diagnostic purposes, as set forth at N.J.A.C. 7:28-19.4(a) and (e).

“Department” means the New Jersey Department of Environmental Protection.

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“Diagnostic radiologic technologist (LRT(R))” means a person licensed in accordance with this subchapter whose scope of practice of radiologic technology includes all types of radiographic procedures for diagnostic purposes, as set forth at N.J.A.C. 7:28-19.4(a) and (b).

"Direct supervision" means being present in the room with the student to observe and supervise the radiological examination.

"Engage" means to perform or assist in the performance of an activity.

"Indirect supervision" means being immediately available in the room or adjacent to the room where the student is performing the radiographic procedure.

“Ionizing radiation” means any form of radiation that has the capability of ionizing the medium through which it is passes.

"Ionizing radiation-producing equipment" means a machine or device that produces ionizing radiation.

“JRCERT” means Joint Review Committee in Education for Radiologic Technology.

"License” means a written authorization applied for in accordance with this subchapter and issued by the Board authorizing the licensee to engage in a specific scope of practice of radiologic technology as set forth at N.J.A.C. 7:28-19.4.

“Licensed practitioner” means a person licensed by the State of New Jersey to practice medicine, dentistry, podiatric medicine, osteopathy or chiropractic. Licensed practitioners do not include dental hygienists, nurses, nurse practitioners, physician assistants or radiologist assistants.

“Limited license” means a license with a scope of practice that is limited pursuant to N.J.A.C. 7:28-19.4.

"Operate ionizing radiation-producing equipment" or "operating ionizing radiation-producing equipment" means the use or manipulation of ionizing radiation-producing equipment in any way that leads to or causes the application of radiation to humans or affects the amount or quality of radiation that is received by a human. The term "operate" or "operating" includes activating or terminating the radiation exposure, setting or adjusting technical factors, setting the mode of imaging, setting the camera rate, and setting or adjusting the size of the exposure field.

“Orthopedic radiologic technologist (LRT(O))” means a person licensed in accordance with this subchapter whose scope of practice of radiologic technology is limited to the spine and extremities for diagnostic purposes, as set forth at N.J.A.C. 7:28-19.4(a) and (f).

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“Podiatric radiologic technologist (LRT(P))” means a person licensed in accordance with this subchapter whose scope of practice of radiologic technology is limited to the operation of x-ray machines on the foot, ankle and the distal third of the lower leg for diagnostic purposes, as set forth at N.J.A.C. 7:28-19.4(a) and (g).

"Position patients" or "positioning patients" means the placement and alignment of the x-ray tube, image receptor (to include cassette, film, digital detector, image intensifier) and the area of the patient to be exposed to ionizing radiation. For radiation therapy treatment procedures, “position patients” or “positioning patients” means the placement and alignment of the ionizing radiation source and the area of the patient to be exposed to ionizing radiation.

"Probationary approval" means a reduction in approval status awarded by the Board to an existing school of radiologic technology that is not in full compliance with the requirements of this subchapter and N.J.S.A. 26:2D-24 et seq.

"Provisional approval" means approval awarded by the Board to a new school of radiologic technology which, upon review of the application, is found to not be in full compliance with the requirements of this subchapter and N.J.S.A. 26:2D-24 et seq., but has submitted a plan for future compliance acceptable to the Board.

“Radiation Protection Act” means N.J.S.A. 26:2D-1 et seq., as supplemented or amended

“Radiation therapist (LRT(T))” means a person licensed in accordance with this subchapter whose scope of practice of radiologic technology is limited to the use of ionizing radiation-producing equipment for therapy simulation and therapeutic purposes, as set forth at N.J.A.C. 7:28-19.4(a) and (c).

“Radiation Technologist Act” means N.J.S.A. 26:2D-24 et seq., as supplemented or amended.

“Radiologic technologist” means a person who is licensed pursuant to this subchapter, which shall include chest radiologic technologist (LRT(C)), dental radiologic technologist (LRT(D)), diagnostic radiologic technologist (LRT(R)), radiation therapist (LRT(T)), podiatric radiologic technologist (LRT(P)), orthopedic radiologic technologist (LRT(O)), and urologic radiologic technologist (LRT(U)).

“Radiologic technology” means the application of ionizing radiation to humans for diagnostic, therapy simulation, or therapeutic purposes.

"Radiological examination" means a procedure that uses ionizing radiation on humans for diagnostic, therapy simulation, or therapeutic purposes.

"Radiologist" means a physician who is licensed by the New Jersey Board of Medical Examiners and is either board-certified by the American Board of Radiology or the American Osteopathic Board of Radiology or has satisfactorily completed a residency program in radiology approved by the Accreditation Council for Graduate Medical Education.

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"Radiologist assistant" means a licensed diagnostic radiologic technologist who has completed additional education in a radiologist assistant program and attained national certification as a radiologist assistant and who may perform delegated fluoroscopic procedures as provided at N.J.A.C. 7:28-19.16(a).

"Student" means any person who is currently enrolled in and attending a school of radiologic technology approved by the Board.

"Temporary license" means a license issued for a limited period of time in accordance with N.J.A.C. 7:29-19.8.

"Unnecessary ionizing radiation" means ionizing radiation that does not confer a diagnostic or therapeutic benefit or is excessive to achieve the medical or dental purpose.

"Urologic radiologic technologist (LRT(U))" means a person licensed in accordance with this subchapter whose scope of practice of radiologic technology is limited to the abdomen and pelvic area for urologic diagnostic purposes, as set forth at N.J.A.C. 7:28-19.4(a) and (h).

### **7:28-19.3 General provisions**

(a) Except as provided at N.J.A.C. 7:28-19.1(c) through (f):

1. No person shall engage in any activity within a scope of practice of radiologic technology as defined in N.J.A.C. 7:28-19.4 unless that person possesses a valid license authorizing the person to engage in that scope of radiologic technology.
2. No person shall operate ionizing radiation-producing equipment or position patients for mammographic procedures unless that person possesses a valid license in diagnostic radiologic technology and is in compliance with the radiologic technologist personnel requirements of the Mammography Quality Standards Act (42 U.S.C. 263b) and 21 CFR Part 900, as supplemented or amended, and incorporated herein by reference.

(b) No person shall operate ionizing radiation-producing equipment or cause, allow or permit the use of such equipment in such a manner as to expose humans to ionizing radiation, except as provided in this subchapter.

(c) No owner, licensed practitioner, or registrant of ionizing radiation-producing equipment shall cause, allow, or permit any person to engage in any activity within a scope of practice of radiologic technology as defined in N.J.A.C. 7:28-19.4, unless that person possesses a valid license authorizing the person to engage in that scope of radiologic technology.

(d) No person shall cause, allow, or permit a radiologic technologist to be in the primary beam, unless it is deemed essential for the specific examination by the licensed practitioner and the radiologic technologist is wearing protective garments over all body areas in the primary beam as required by N.J.A.C. 7:28-15.9.

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(e) No owner, licensed practitioner, or registrant of ionizing radiation-producing equipment shall cause, allow, or permit any person to perform mammographic procedures unless that person complies with the requirements of this subchapter.

(f) No school of radiologic technology subject to this subchapter shall enroll students unless the school is approved by the Board.

(g) No school subject to this subchapter shall hold itself out to be an approved school of radiologic technology or claim in any way that completion of the school's curriculum will enable students to be eligible for New Jersey examination and/or New Jersey licensure, unless the school is approved by the Board.

(h) No person shall use or permit the use of ionizing radiation-producing equipment in such a manner as to expose humans to unnecessary ionizing radiation.

(i) A radiologic technologist shall carry his or her current radiologic technology license on his or her person at work and display his or her radiologic technology license, upon request of the Department, employer or any patient.

(j) A radiologic technologist shall notify the Department of any conviction of a crime under Federal law or the law of any state within 30 calendar days of such conviction.

(k) Any conviction of a crime committed while not engaged in the practice of radiologic technology does not, in itself, constitute a lack of good moral character for the purposes of N.J.A.C. 7:28-19.6(a)2, 19.9(e) and 19.11(a)1.

(l) No person or organization shall provide training in the operation of ionizing radiation-producing equipment or patient positioning to persons other than those authorized to use such equipment as specified in this subchapter.

(m) No person licensed pursuant to this subchapter shall use ionizing radiation-producing equipment on humans for any purpose other than for medical diagnosis, dental diagnosis, therapy simulation, therapy or monitoring of dental treatment. All such use must be at the direction of a licensed practitioner who is practicing within the scope of his or her license.

(n) No radiologic technologist licensed pursuant to this subchapter shall prescribe a radiological examination.

(o) No radiologic technologist licensed pursuant to this subchapter shall render an interpretation of a radiological examination.

(p) The license of a radiologic technologist may be suspended for a fixed period, or may be revoked, or the technologist may be censured, reprimanded or otherwise disciplined in accordance with the provisions and procedures set forth in the Radiologic Technologist Act, if after due process, the Board finds that the technologist has committed an act of unethical conduct, as defined in N.J.A.C. 7:28-19.5, or has violated any provision of this chapter, the

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Radiation Protection Act or the Radiologic Technologist Act. A radiologic technologist may request a hearing in accordance with N.J.A.C. 7:28-19.17(b) if aggrieved by the Board's actions.

#### **7:28-19.4 Scopes of practice**

(a) Any person who possesses a valid license in radiologic technology shall exercise proper principles of radiation protection with regard to radiological examinations.

(b) Any person who possesses a valid license to practice diagnostic radiologic technology issued in accordance with this subchapter may engage in the following activities, which constitute the scope of practice of diagnostic radiologic technology:

1. Operate ionizing radiation-producing equipment for radiographic procedures;
2. Measure patients for radiographic procedures;
3. Position patients for radiographic procedures;
4. Set technique factors for radiographic procedures;
5. Set the source-to-image receptor distance for radiographic procedures;
6. Assist in fluoroscopic procedures using ionizing radiation-producing equipment provided that a licensed physician is physically in the room and directing the procedure; and
7. Administer contrast media and pharmaceuticals provided that the material and its administration comply with New Jersey State Board of Medical Examiners (BME) rules, N.J.A.C. 13:35-6.20.

(c) Any person who possesses a valid license to practice radiation therapy technology issued in accordance with this subchapter may engage in the following activities, which constitute the scope of practice of radiation therapy technology:

1. Operate ionizing radiation-producing equipment for therapy simulation and therapeutic procedures only;
2. Position patients and equipment for therapy simulation and treatment procedures;
3. Deliver the treatment dose prescribed by a licensed physician;
4. Record and certify the parameters of each treatment delivered in the patient record;
5. Select and position any required immobilization devices and beam modification devices;
6. Perform fluoroscopic procedures for therapy simulation while under the direction of a licensed physician who is on-site during the procedure; and

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7. Assist in treatment planning procedures while under the supervision of a licensed physician or therapy physicist or medical dosimetrist.

(d) Any person who possesses a valid license to practice chest radiologic technology issued in accordance with this subchapter may engage in the following activities, which constitute the scope of practice of chest radiologic technology; however, the scope of practice does not include radiographic procedures of the ribs or sternum or any type of fluoroscopy, tomography or computed tomography procedure:

1. Operate fixed (not portable) ionizing radiation-producing equipment for chest radiographic procedures only;
2. Measure patients for chest radiographic procedures only;
3. Position patients for posterior-anterior, anterior-posterior, oblique, lateral, decubitus and apical lordotic views for chest radiographic procedures only;
4. Set the technique factors for chest radiographic procedures only; and
5. Set the source-to-image receptor distance for chest radiographic procedures only.

(e) Any person who possesses a valid license to practice dental radiologic technology issued in accordance with this subchapter may engage in the following activities, which constitute the scope of practice of dental radiologic technology; however, the scope of practice does not include any type of fluoroscopy, tomography or computed tomography procedure:

1. Operate ionizing radiation-producing equipment for dental radiographic procedures only;
2. Position patients for intra-oral and extra-oral dental radiographic procedures only;
3. Set the correct technique factors for dental radiographic procedures only; and
4. Set the source-to-image receptor distance for dental radiographic procedures only.

(f) Any person who possesses a valid license to practice orthopedic radiologic technology issued in accordance with this subchapter may engage in the following activities, which constitute the scope of practice of orthopedic radiologic technology; however, the scope of practice does not include radiographic procedures of the sterno-clavicular joints, sternum and ribs or any type of fluoroscopy, tomography, computed tomography or bone densitometry procedures:

1. Operate fixed (not portable) ionizing radiation-producing equipment for orthopedic radiographic procedures only;



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2. Measure patients for orthopedic radiographic procedures only;
3. Position patients for radiographic procedures limited to the spine and extremities;
4. Set the technique factors for orthopedic radiographic procedures only; and
5. Set the source-to-image receptor distance for orthopedic radiographic procedures only.

(g) Any person who possesses a valid license to practice podiatric radiologic technology issued in accordance with this subchapter may engage in the following activities, which constitute the scope of practice of podiatric radiologic technology; however, the scope of practice does not include bone densitometry or procedures involving the injection of contrast media or fluoroscopy.:

1. Operate ionizing radiation-producing equipment for podiatric radiographic procedures only;
2. Position patients for radiographic procedures limited to the foot, ankle and distal third of the lower leg (tibia/fibula);
3. Set technique factors for podiatric radiographic procedures only; and
4. Set the source-to-image receptor distance for podiatric radiographic procedures only.

(h) Any person who possesses a valid license to practice urologic radiologic technology issued in accordance with this subchapter may engage in the following activities, which constitute the scope of practice of urologic radiologic technology; however, the scope of practice does not include fluoroscopy, computed tomography or bone densitometry procedures:

1. Operate ionizing radiation-producing equipment for urologic radiographic procedures only;
2. Position patients for radiographic procedures limited to the abdomen and pelvic area for urologic radiographic procedures only;
3. Measure patients for urologic radiographic procedures only;
4. Set technique factors for urologic radiographic procedures only; and
5. Set the source to image receptor distance for urologic radiographic procedures only.

#### **7:28-19.5 Unethical conduct**

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(a) The Board may, in its discretion, consider the acts listed below, among others, as acts of unethical conduct by a person subject to this subchapter. Such acts are subject to sanction pursuant to N.J.S.A. 26:2D-34(a) and 36, as supplemented or amended:

1. Conviction of any crime that reasonably relates to any field of radiologic technology. For the purpose of this section, a plea of guilty, non vult, no contest, or other such disposition of alleged criminal activity shall be deemed a conviction;

2. Revocation or suspension of a certification, registration, or license to practice radiologic technology or censure or reprimand by any other state or certifying agency for reasons consistent with this subchapter;

3. Dishonesty, fraud, deception, misrepresentation, or falsification in:

i. Any field relating to radiologic technology or the education of radiologic technology students or in documenting compliance with the Radiation Protection Act, the Radiologic Technologist Act or this chapter as supplemented or amended;

ii. Obtaining a radiologic technology license, including taking the examination and completing the required education and training;

iii. Statements on any application for examination or license;

iv. Statements or documentation regarding the status of any national certification relating to the field of radiologic technology;

v. Statements made to a representative of the Department or Board; or

vi. Any records relating to the practice of radiologic technology or to the education of radiologic technology students;

4. Altering any license or examination results;

5. Practicing radiologic technology or reporting to work as a radiologic technologist while under the influence of alcohol or a Controlled Dangerous Substance as defined in the New Jersey Code of Criminal Justice;

6. Acting in a negligent or incompetent manner relating to radiologic technology or the education of radiologic technology students;

7. Maliciously destroying or stealing property or records relating to the practice of radiologic technology or to the education of radiologic technology students;

8. Failing to exercise due regard for safety, life or health while engaged in the practice of radiologic technology or the education of radiologic technology students;

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9. Violating any term limitation, condition or restriction that the Board has placed on his or her radiologic technology license;

10. Failing to comply with any State or Federal law or regulation regarding the confidentiality of a patient's medical or dental information;

11. Impersonating a licensed radiologic technologist;

12. Discriminating in the practice of radiologic technology or in the education of radiologic technology students as defined in Section 3 of New Jersey Law Against Discrimination in N.J.S.A. 10:5-3, as supplemented or amended; or

13. Engaging in the practice of radiologic technology or in the education of students in an unprofessional or unethical manner as determined by the Board.

(b) There is a rebuttable presumption that a person who has been determined by the Board to have committed an act of unethical conduct or has been convicted of a crime involving moral turpitude does not meet the standard of good moral character as required for purposes of N.J.A.C. 7:28-19.6(a)2, 19.9(e) and 19.11(a)1.

#### **7:28-19.6 Requirements of applicants for the licensing examination**

(a) Subject to (c) below, the Board shall admit to a licensing examination any applicant who has paid to the Department a fee as specified in N.J.A.C. 7:28-19.10(a)1 and has submitted satisfactory evidence to the Board, verified by oath or affirmation, that the applicant:

1. At the time of application is at least 18 years of age;
2. Is of good moral character;
3. Has successfully completed a four year course of study in a secondary school (high school) approved or recognized by the State Board of Education, or passed an approved equivalency test; and
4. Has complied with the applicable requirements of (b) below.

(b) In addition to the requirements of (a) above, any person seeking admission to a licensing examination in a specific scope of practice of radiologic technology (see N.J.A.C. 7:28-19.4) shall comply with the following:

1. Each applicant for examination in diagnostic radiologic technology shall have satisfactorily completed a 24-month course of study in diagnostic radiologic technology approved by the Board or its equivalent as determined by the Board.
2. Each applicant for examination in radiation therapy technology shall have satisfactorily completed a 24-month course of study in radiation therapy technology approved by the Board

or its equivalent as determined by the Board. A 12-month radiation therapy technology course of study that requires applicants to have satisfactorily completed a 24-month course of study in diagnostic radiologic technology or its equivalent as determined by the Board is the equivalent of a 24-month course of study in radiation therapy technology.

3. Each applicant for examination in chest radiologic technology shall have satisfactorily completed the curriculum for chest radiography as approved by the Board or its equivalent as determined by the Board.

4. Each applicant for examination in dental radiologic technology shall have satisfactorily completed the curriculum for dental radiography as approved by the Board or its equivalent as determined by the Board.

5. Each applicant for examination in podiatric radiologic technology shall have satisfactorily completed the curriculum for podiatric radiography as approved by the Board or its equivalent as determined by the Board.

6. Each applicant for examination in orthopedic radiologic technology shall have satisfactorily completed the curriculum for orthopedic radiography as approved by the Board or its equivalent as determined by the Board.

7. Each applicant for examination in urologic radiologic technology shall have satisfactorily completed the curriculum for urologic radiography as approved by the Board or its equivalent as determined by the Board.

(c) The Board may determine that an applicant is ineligible for examination if the applicant does not fulfill the requirements of (a) and (b) or has violated any provision of this chapter, the Radiation Protection Act or the Radiologic Technologist Act. The applicant may request a hearing in accordance with N.J.A.C. 7:28-19.17(a), if aggrieved by the Board's actions.

(d) An applicant who fails to pass the examination may reapply for the examination provided the applicant meets the requirements of this section.

(e) Any person who has failed a particular examination three times shall not be permitted to take that examination a fourth time until that person has submitted proof of completion of a remedial course that includes a full review of course material in areas of low performance as identified by the examination.

(f) After the fourth failure, the person may not retake a particular examination until that person has submitted proof that he or she has re-enrolled and successfully completed a remedial course of study in a Board-approved school of radiologic technology, or an equivalent school as determined by the Board, in an appropriate time frame determined by the school.

### **7:28-19.7 Requirements of applicants for licensure**

(a) Subject to (d) below, the Board shall issue a license to any applicant who has paid to the Department a fee as specified in N.J.A.C. 7:28-19.10(a)2 and has submitted satisfactory evidence to the Board, verified by oath or affirmation, that the applicant:

1. Has met the requirements in N.J.A.C. 7:28-19.6(a) and (b), and
2. Has passed the Board's examination in the license category for which the applicant has applied.

(b) In lieu of its own examination required by (a)2 above, the Board may accept a valid active certificate issued by the American Registry of Radiologic Technologists (ARRT) or a valid active certificate or license as a radiologic technologist issued by another state, provided the Board determines that the ARRT's or the other state's standards are equivalent to those established by the Board.

(c) In lieu of its own examination for a dental radiologic technologist LRT(D), required by (a)2 above, the Board may accept:

1. A valid registration as a dental assistant issued by the New Jersey Board of Dentistry, provided the applicant passed the certification examination including the "Radiation Health and Safety" examination given by the Dental Assisting National Board and any education requirements as may be prescribed by the New Jersey Board of Dentistry, and provided the Board determines that the above standards are equivalent to those established by the Board; or
2. A valid active certificate issued by the Dental Assisting National Board demonstrating that the applicant has successfully passed the "Radiation Health and Safety" examination, provided the Board determines that the above standards are equivalent to those established by the Board.

(d) The Board may determine that an applicant is ineligible for licensure if the applicant does not fulfill the requirements of (a), (b) and (c) or has violated any provision of this chapter, the Radiation Protection Act or the Radiologic Technologist Act. The applicant may request a hearing in accordance with N.J.A.C. 7:28-19.17(a), if aggrieved by the Board's actions.

### **7:28-19.8 Temporary, conditional and restricted licenses**

(a) The Board may, at its discretion, issue a temporary license to any person who has submitted a license application for a license in diagnostic radiologic technology or radiation therapy technology when the issuance of a temporary license may be justified by reason of special circumstances. A temporary license shall be issued only if the Board finds that its issuance will not violate the purposes of the Radiation Protection Act or the Radiologic Technologist Act, or tend to endanger the public health and safety. A temporary license shall expire 90 calendar days after the date the applicant has successfully completed the course of

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study in radiologic technology. Only one temporary license in a specific licensure category shall be issued to any person.

(b) The Board, at its discretion, may place conditions or restrictions on any license including, but not limited to, a condition or restriction limiting the scope of practice of a licensed radiologic technologist.

(c) No person who has been issued a conditional or restricted license shall practice outside of the conditions or restrictions as placed on the license by the Board.

### **7:28-19.9 License expiration, reissuance and renewal**

(a) Except as provided at N.J.A.C. 7:28-19.1(c), no person or radiologic technologist shall engage in any scope of practice of radiologic technology without a valid and effective radiologic technology license issued under this subchapter authorizing the licensee to engage in that scope of practice.

(b) A license issued in accordance with this subchapter is effective as of the date of issuance, or January 1st of an odd numbered year, whichever is later, and expires on the immediately following December 31st of an even numbered year. No license is valid longer than two years. It is the Board's practice, but not its obligation, to mail license renewal applications to all licensees at least 60 calendar days prior to the license expiration date.

(c) A radiologic technologist shall inform the Department of any change in his or her name and/or address no later than 30 calendar days after the change.

(d) To maintain a valid license, a radiologic technologist shall renew his or her license any time prior to its expiration by submitting a renewal application for a radiologic technology license and the required renewal fee specified in N.J.A.C. 7:28-19.10(a)3.

(e) The Board may deny an application for renewal if the Board has determined that the radiologic technologist is not of good moral character or has violated any provision of this subchapter, the Radiation Protection Act or the Radiologic Technologist Act. The applicant may request a hearing as provided by N.J.A.C. 7:28-19.17(b) if aggrieved by the Board's action.

(f) A radiologic technologist who possesses an expired license may apply to have the license reissued, provided that the license has not been expired for five years or more. An individual who wishes to have a license reissued that has been expired less than five years shall submit an application for reissuance and the fee specified in N.J.A.C. 7:28-19.10(a)3. If such individual has not engaged in the practice of radiologic technology at any time in New Jersey during the period the license was expired, the individual is required only to pay the reissuance fee for the current license period. If such individual has engaged in the practice of radiologic technology at any time in New Jersey during the period the license was expired, in addition to the reissuance fee for the current license period, the individual shall pay the reissuance fee for each previous renewal period, in addition to other sanctions that may be imposed under the Radiation

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Protection Act or the Radiologic Technologist Act for practicing radiologic technology without a license.

(g) A radiologic technologist who possesses a license that has been expired for five or more years may not have that license renewed, but may apply for a license in accordance with N.J.A.C. 7:28-19.7.

#### **7:28-19.10 Fees**

(a) Any person who submits an application for examination, license or license reissuance or renewal to the Department shall include as an integral part of said application a service fee as follows:

1. Examination Fee:	\$160.00
2. License Application Fee:	\$60.00
3. License Reissuance or Renewal Fee:	\$90.00
4. License Reprint Fee	\$20.00

(b) Any new school that submits an application for Board approval in any of the categories of radiologic technology shall include, as an integral part of said application, a service fee as follows:

1. Diagnostic Radiography School Fee	\$2,500
2. Radiation Therapy Technology School Fee	\$2,500
3. Dental Radiography School Fee	\$1,650
4. Limited Radiography School Fee	\$1,650

(c) A Board approved school of radiologic technology shall submit the appropriate annual fee as follows:

1. Diagnostic Radiography School Fee	\$1,000
2. Radiation Therapy Technology School Fee	\$1,000
3. Dental Radiography School Fee	\$400.00
4. Limited Radiography School Fee	\$200.00

(d) All fees shall be in the form of a check or money order or any other manner acceptable to the Department made payable to the Treasurer, State of New Jersey. Fees submitted to the Department are not refundable.

(e) All license renewal or reissuance applications and the associated fees specified in (a)3 above, and the approved school annual fees as specified in (c) above, shall be submitted to:

Department of Treasury  
Division of Revenue  
PO Box 417  
Trenton, New Jersey 08646-0417

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(f) All other applications and associated fees specified in (a)1, 2 and 4 and (b) above shall be submitted to:

Department of Environmental Protection  
Bureau of Radiological Health  
25 Arctic Parkway  
PO Box 415  
Trenton, New Jersey 08625-0415

#### **7:28-19.11 Minimum requirements for admission to a school of radiologic technology**

(a) A school of radiologic technology approved by the Board pursuant to this subchapter shall only enroll a candidate who at the time of admission meets or exceeds the following minimum requirements:

1. Is of good moral character;
2. Has successfully completed a four-year course of study in a secondary school (high school) approved by the State Board of Education or passed an approved equivalency test; and
3. Meets the admission criteria of that school of radiologic technology.

(b) The school of radiologic technology shall ensure that each candidate for admission submits a formal application.

(c) Each school of radiologic technology shall keep on file for at least two years after a student graduates, withdraws or is dismissed the student's application and any document used to determine eligibility for admission to the school.

#### **7:28-19.12 Requirements for students engaging in the scope of practice of radiologic technology**

(a) Only students who meet the requirements of N.J.A.C. 7:28-19.1(c)4 are permitted to engage in the practice of radiologic technology.

(b) Any licensed practitioner, registered dental hygienist, or licensed radiologic technologist, who is acting within the scope of that license or registration, shall provide direct or indirect supervision to student technologists that includes:

1. The evaluation of the request for the radiological examination in relation to the student's knowledge and competency;
2. The evaluation of the condition of the patient in relation to the student's knowledge and competency; and



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3. The evaluation and approval of all resultant radiological images and/or data.
- (c) The school of radiologic technology and the clinical education center shall:
1. For students in schools of diagnostic radiologic technology, ensure that students are supervised in accordance with the following:
    - i. Prior to a Board-approved faculty member determining that a student is clinically competent in a given radiographic procedure, the student shall perform that procedure only under the direct supervision of a licensed diagnostic radiologic technologist.
    - ii. After clinical competency in a radiographic procedure has been determined by a Board-approved faculty member, the student may perform that procedure under indirect supervision of a licensed diagnostic radiologic technologist.
    - iii. Any exposure that needs to be repeated shall be repeated under the direct supervision of a licensed diagnostic radiologic technologist.
  2. For students in schools of radiation therapy technology, ensure that all therapy simulation and therapeutic procedures are performed under direct supervision of a licensed radiation therapist.
  3. For students in schools of chest, orthopedic, podiatric, and urologic radiologic technology, ensure that all radiographic procedures are performed under direct supervision of a licensed practitioner, a licensed diagnostic radiologic technologist, or a person licensed in that specific category of radiologic technology.
  4. For students in schools of dental radiologic technology, ensure that all procedures are performed under direct supervision of a licensed dentist, registered dental hygienist, a licensed diagnostic radiologic technologist, or a licensed dental radiologic technologist.
  5. Ensure that students in schools of diagnostic radiologic technology do not initiate x-ray exposure during fluoroscopic procedures.
  6. Ensure that students are not assigned to clinical education rotations in such a manner as to substitute for radiologic technologists.
  7. Ensure that during clinical education activities the number of students assigned to a clinical education center and on site at any time does not exceed the Board-approved student capacity for that clinical education center.
  8. Ensure that during clinical education activities students wear visible identification name badges that identify them as student radiologic technologists.

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9. Ensure that during clinical education activities each student wears a personnel radiation-monitoring device.

10. Ensure that all activities involving clinical education are performed in accordance with the school's published policies and procedures, and the agreement between the school of radiologic technology and the clinical education center.

11. Ensure that students are not:

i. In the primary beam;

ii. Permitted to remain in the x-ray room outside the control booth during an x-ray exposure unless the student is provided with a protective apron or shield that is at least 0.5 mm of lead equivalent; or

iii. Permitted to engage in any other practices likely to result in unnecessary exposure to ionizing radiation.

### **7:28-19.13 Requirements for schools of radiologic technology**

(a) A school in diagnostic radiologic technology shall provide a course of study that is at least 24 months in length or its equivalent as determined by the Board. The educational curriculum shall include ethics and law in radiologic technology; medical terminology; patient care management; human anatomy and physiology; radiographic procedures; imaging and processing; imaging equipment; image analysis; radiation production and characteristics; radiation physics; radiation protection; radiation biology; radiologic pathology; computers in radiologic technology; pharmacology and drug administration; quality assurance; and shall provide for competency-based clinical education in accordance with the Board's accreditation standards. The curriculum shall be a JRCERT recognized curriculum, provided that it does not conflict with this subchapter.

(b) A school of radiation therapy technology shall provide a course of study that is at least 24 months in length or its equivalent as determined by the Board. This course of study can be 12 months in length if the applicant has successfully completed a Board-approved or equivalent diagnostic radiologic technology program. The educational curriculum shall include ethics and law in radiation therapy; medical terminology; patient care management in radiation therapy; radiation protection; pathology; radiation physics; radiation therapy physics; medical imaging and processing; sectional anatomy; operational issues in radiation therapy; treatment planning, beam modification devices and dosimetry; simulation and therapy procedures and technique; quality management; and shall provide for competency-based clinical education. The curriculum shall be a JRCERT recognized curriculum, provided that it does not conflict with this subchapter.

(c) A school of dental radiologic technology shall follow the Board's approved curriculum in dental radiologic technology, which is available from the Department by written request to the address listed at N.J.A.C. 7:28-19.10(f). In the alternative, the curriculum shall be the American

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Dental Association's or any nationally recognized published curriculum, provided that it does not conflict with this subchapter or the Board's approved curriculum.

(d) A school of podiatric radiologic technology shall follow the Board's approved curriculum in podiatric radiologic technology, which is available from the Department by written request to the address listed at N.J.A.C. 7:28-19.10(f). In the alternative, the curriculum shall be the American Podiatric Medical Assistants Association's or any nationally recognized published curriculum, provided that it does not conflict with this subchapter or the Board's approved curriculum.

(e) A school of chest, orthopedic, or urologic radiologic technology shall follow the Board's approved curriculum in that category of radiologic technology, which is available from the Department by written request to the address listed at N.J.A.C. 7:28-19.10(f). In the alternative, the curriculum shall be any nationally recognized published curriculum, provided that it does not conflict with this subchapter or the Board's approved curriculum.

(f) Each school of radiologic technology shall:

1. Comply with N.J.A.C. 7:28-19.11 and 12 and the Board's accreditation standards, which are available from the Department's Bureau of Radiological Health.

2. Prepare and maintain a current and accurate written course syllabus and other educational documents for each content area delineated in the program's Board approved curriculum. These documents shall include, but are not limited to, lesson plans, learning objectives, classroom schedules, and student evaluation instruments. These documents shall be on file at the school and shall be produced for review by the Department or its representative during an inspection, and shall be submitted to the Department upon request.

3. Employ and/or appoint only Board-approved program directors, clinical coordinators, clinical instructors and clinical supervisors.

4. Issue to each candidate prior to admission a current and dated course catalog, bulletin, or other written statement, which shall include, but not be limited to a description of the curriculum as a whole, the requirements for admission, requirements for graduation, and information concerning amounts and terms of payment of any tuition and fees or expenses to be incurred. The information contained in these documents shall accurately reflect the program offered.

5. Issue to each enrolled student a current and dated catalog, handbook, or policy manual that includes all program and school policies, which shall include, but not be limited to policies regarding conduct, dismissal, grading, and pregnancy as it relates to radiation protection. All policies and procedures shall accurately reflect the program offered.

6. Enroll only students who meet the school's requirements for admission.

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7. Report in writing to the Department, within 30 calendar days of any student's matriculation date, the name and address of each new student enrolled and, within 30 calendar days of the date the student completes the course of study (as set forth on the certificate issued in accordance with (f)15 below), the name and address of each student graduated.

8. Have and comply with an educational plan for didactic and laboratory instruction and clinical assignments, with objectives relating to the specific practice of radiologic technology.

9. Maintain current student records that accurately reflect the student's didactic and clinical progress.

10. Permanently maintain an official course transcript for each graduate.

11. Maintain all academic and clinical records for at least 6 months for each student who has left, withdrawn, or was dismissed from the program.

12. Ensure that it has adequate administrative, clerical, clinical, faculty, financial and physical resources to support all enrolled students.

13. Ensure that each student is provided with a personnel radiation-monitoring device during his or her period of attendance. Student exposure to radiation shall not exceed any of the occupational limits prescribed in N.J.A.C. 7:28-6.1. Within 30 calendar days of the school's receipt of any radiation dosimetry report, the school shall inform all students of their most recent exposure readings. In the event that a student receives an exposure of 50 mrem (0.5 mSv) or greater on any monthly radiation dosimetry report, or 100 mrem (1.0 mSv) or greater on any bimonthly radiation dosimetry report, or 150 mrem (1.5 mSv) or greater on any quarterly report, or an exposure that exceeds any of the occupational limits in N.J.A.C. 7:28-6.1, the school shall begin an investigation to find the cause and prevent recurrence of the exposure. The investigation report shall be completed within 30 calendar days of the school's receipt of notification of the exposure. This investigation report shall include any action to be taken to reduce unnecessary radiation exposure. The investigation report shall be given to the student and shall be maintained in the student's file. If any of the occupational limits in N.J.A.C. 7:28-6.1 is exceeded, a copy of the investigation report must be submitted to the Department. Within 90 calendar days of departure from the school, the school shall provide each student with a complete record of his or her radiation exposure history.

14. For each student who has declared her pregnancy in writing, with an approximate date of conception, a school shall:

- i. Provide instruction regarding radiation exposure and risks as they relate to the embryo-fetus and pregnancy;
- ii. Provide program enrollment options to accommodate pregnancy while allowing the student to complete the curriculum. If the student elects to continue with her education within the radiologic technology program, the school shall ensure that a personnel radiation-monitoring device is worn at the waist level during the term of her pregnancy;

- iii. If the student has the potential of engaging in fluoroscopic or portable radiographic procedures, provide to the student with and require her to wear two personnel radiation-monitoring devices. One device shall be worn at the neck level outside the protective apron and the other under the protective apron at the waist level;
  - iv. Limit the student's exposure, as registered on the personnel radiation-monitoring devices, in order that the exposure of the embryo-fetus does not exceed the most recent recommended limit published by the National Council on Radiation Protection and Measurements (NCRP). As of August 18, 2008, the recommended limit is contained in NCRP Report #116 entitled Limitation of Exposure to Ionizing Radiation, published in 1993. The publication can be obtained from NCRP by contacting them at 7910 Woodmont Ave., Suite 400, Bethesda, Md. 20814 or at: [www.ncrponline.org](http://www.ncrponline.org). This report recommends a monthly equivalent dose limit of 50 mrem (0.5 mSv) to the embryo-fetus (excluding medical and natural background radiation) once the pregnancy is known. The Deep Dose Equivalent value reported for the device worn at the student's waist will be considered the initial estimated dose received by the embryo-fetus;
  - v. Within seven calendar days of the school's receipt of a radiation dosimetry report, the school shall inform the pregnant student of her most recent exposure readings. If the Deep Dose Equivalent in any month is 50 mrem (0.5 mSv) or higher, the school and student shall consult with a medical physicist or health physicist, who is certified by the American Board of Radiology, American Board of Medical Physics, American Board of Health Physics or the equivalent as determined by the Commission; and
  - vi. Submit to the Department, with a copy to the student, a report of the consultation provided in (f)14v, if required, including any recommendation(s), assignment modifications and the student's exposure history, within 21 calendar days of the school's receipt of the radiation dosimetry report.
15. Issue to each student who satisfactorily completes a course of study a dated certificate that specifies the particular course of study completed.
16. Inform the Department within 15 calendar days of any change that could adversely affect the school's ability to fulfill its ability to provide students with appropriate didactic and laboratory instruction and clinical assignments, or has altered how the school operates since its last review and approval by the Board. Such changes include but are not limited to a change in status or loss of any official or faculty member, change of curriculum, loss of a clinical affiliate, the sequencing of courses, length of the program or sponsorship of the program.
17. If the school's curriculum is in diagnostic radiologic technology or radiation therapy technology, have no more than two consecutive years in which the pass rate for students taking the American Registry of Radiologic Technologists (ARRT) examination for the first time is below 75 percent.
18. If the school's curriculum is in chest, dental, orthopedic, podiatric or urologic radiologic technology, have no more than two consecutive years in which both the first-time mean score and pass rate for the Board's examination are below 75 percent.

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19. Ensure that a student's total academic and clinical instruction does not exceed 40 hours per week.

(g) In addition to (f) above, schools of diagnostic radiologic technology and radiation therapy technology shall comply with the JRCERT Standards for an Accredited Educational Program in Radiologic Sciences (JRCERT Standards). In case of conflict with this subchapter or the Board's accreditation standards, this subchapter and the Board's accreditation standards shall supersede the JRCERT Standards. Copies of the JRCERT Standards and the Board's accreditation standards may be obtained by contacting the Department's Bureau of Radiological Health at PO Box 415, Trenton, NJ 08625-0415 or the JRCERT at 20 N. Wacker Dr., Suite 2850, Chicago, IL, 60606 or [www.jrcert.org](http://www.jrcert.org).

#### **7:28-19.14 School of radiologic technology: process for approval; provisional approval; probationary approval; termination of approval and other general provisions**

(a) In order to be Board-approved, a school of radiologic technology shall submit to the Department a complete application, along with the appropriate fee as set forth in N.J.A.C. 7:28-19.10(b). The Department will forward all complete applications to the Board for its consideration. If the application is incomplete, the Department shall notify the school. The school will be provided an opportunity to complete the application within 90 calendar days of receipt of such notice. If after 90 days the application is still incomplete, it will be forwarded as an incomplete application for the Board's consideration. A complete application shall include:

1. The name, address and contact information of the school;
2. The name and credentials of the program director(s);
3. The name and credentials of each instructor and the courses he or she teaches; and
4. A report(s) describing the school's policies and procedures in place to ensure that:
  - i. Only qualified applicants are admitted into the program, in accordance with N.J.A.C. 7:28-19.11;
  - ii. Clinical education is performed properly and under appropriate supervision, in accordance with N.J.A.C. 7:28-19.12; and
  - iii. The educational curriculum includes all Board required elements, in accordance with N.J.A.C. 7:27-19.13.

(b) After review of the school's application, the Board may either award approval or provisional approval to the school or deny the application.

1. The Board shall notify a school that has been awarded provisional approval each requirement that must be satisfied in order for the school to be awarded approval. Provisional approval shall be awarded only if the school agrees in writing to satisfy each requirement within a time period specified by the Board, and shall satisfy each requirement before non-provisional approval is awarded. The Board shall terminate the provisional approval of a school that fails to satisfy the requirements within the specified time period.

(c) A school whose application has been denied for any reason may submit a new application and fee in accordance with N.J.A.C. 7:28-19.14(a).

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(d) A school of radiologic technology, including its clinical education centers, shall:

1. Permit one or more Board representatives or Department employees to conduct a site inspection. The Board may accept the findings from a site inspection performed by a national accreditation agency recognized by the Board, in lieu of an inspection by the Board or the Department.

2. Make available to the Board representative or Department employee such information, records, or persons that may be needed to determine compliance with the requirements of this subchapter; and

3. Demonstrate, to the satisfaction of the Board, that it complies with the requirements of this subchapter.

(e) In order to maintain approval, the school shall comply with the requirements of this subchapter and pay the appropriate annual fee as specified in N.J.A.C. 7:28-19.10(c). The annual fee is due by January 1st of each year or 30 calendar days after the date that the Board awards approval under (b) above.

(f) The Board may reduce the approval status of a school of radiologic technology to probationary approval for failure to comply with this subchapter, provided that the school agrees in writing to correct all items of noncompliance within a time period specified by the Board. The Board shall notify a school of radiologic technology of the reduction to probationary approval status and of the items of noncompliance resulting in such status.

(g) A school on probationary approval shall:

1. Correct, within a period of time as determined by the Board, all specified deficiencies; and

2. Notify each enrolled student and applicant, within 15 calendar days of receipt of notification from the Board of probationary approval status, by certified mail of the school's probationary approval status; and

3. Submit to the Department, within 20 calendar days of receipt of notification of probationary approval status, a copy of the notice required in (g)2 above.

(h) A school of radiologic technology may have its approval, provisional approval, or probationary approval terminated by the Board, upon the approval of the Commission, for failure to comply with this subchapter. The Department shall issue an administrative order to a school of radiologic technology terminating the approval, which administrative order shall contain the findings that led to the termination and specify the effective date of the termination.

(i) The approval of a school of radiologic technology may be terminated by the Board if the school does not enroll students for a period of two consecutive years.

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(j) A school of radiologic technology whose approval has been terminated may apply for approval as a school of radiologic technology in accordance with this section.

(k) Any Board-approved school that makes a substantial change to its approved program, including but not limited to a change in the level of terminal award (such as a certificate to associates degree or associates degree to bachelor degree), or a change in the owner or operator of the program, will be considered a new school and will be subject to the application procedure of this section and fee specified in N.J.A.C. 7:28-19.10(b). The school must notify the Board of any change, in accordance with N.J.A.C. 7:28-19.13(f)16.

(l) A school whose application for approval is denied may request a hearing as provided by N.J.A.C. 7:28-19.17(a) if aggrieved by the Board's actions.

(m) A Board-approved school whose approval is terminated or reduced to probationary may request a hearing as provided by N.J.A.C. 7:28-19.17(b) if aggrieved by the Board's actions.

#### **7:28-19.15 List of approved schools**

A list of approved schools of radiologic technology may be obtained by contacting the Department's Bureau of Radiological Health at PO Box 415, Trenton, NJ 08625-0415.

#### **7:28-19.16 Radiologist Assistants - schools and practice**

(a) A diagnostic radiologic technologist who holds a valid license from the Board, has completed a radiologist assistant program that is recognized by the Board, and is certified by the American Registry of Radiologic Technologists as a radiologist assistant, is permitted to perform delegated fluoroscopic procedures, as defined in N.J.A.C. 7:28-19.2.

(b) The Board will recognize a radiologist assistant program in which the educational curriculum contains, at a minimum, the following content: patient assessment; management and education; pharmacology and clinical decision making in radiology; contrast media; pathophysiology; radiographic and fluoroscopic procedures; fluoroscopic unit operation and safety; radiation safety; radiation biology; health physics; image correlation to anatomy, physiology and pathology; clinical pathways related to radiology; quality of care review and audit; directed readings and research; medico-legal and professional standards and governmental standards; and clinical education, which includes testing to determine clinical competency. The curriculum may follow the American Society of Radiologic Technologists curriculum or any nationally recognized curriculum, provided that it does not conflict with this section.

(c) A radiologist assistant shall comply with all other State regulations regarding his or her practice in New Jersey.

(d) A radiologist assistant student who is enrolled in and attending a Board recognized school, who is acting within the school's curriculum and possesses a valid diagnostic radiologic technology license issued by the Board, is permitted to perform delegated fluoroscopic procedures in New Jersey under the appropriate supervision as prescribed in (g)6 below.



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(e) No person shall perform delegated fluoroscopic procedures unless the person is a licensed practitioner who is acting within the scope of his or her license or meets the requirements of (a) or (d) above.

(f) No owner, licensed practitioner, or registrant of ionizing radiation-producing equipment shall cause, allow, or permit any person to perform delegated fluoroscopic procedures unless that person is a licensed practitioner who is acting within the scope of his or her license or meets the requirements of (a) or (d) above.

(g) Any school with a radiologist assistant program that assigns radiologist assistant students to a New Jersey facility for clinical education shall:

1. Be recognized by the Board;
2. Ensure that all assigned students possess and maintain a valid diagnostic radiologic technology license issued by the Board;
3. Develop and implement a log to track fluoroscopic procedures that are performed by each radiologist assistant student. This log shall include, but not be limited to, the name of the student, the procedure performed, the name of the supervisor responsible for the procedure, the type of supervision provided and the fluoroscopic time used. The school shall ensure that the log is reviewed at least weekly by the supervising radiologist. If a trend of unexplained high use of fluoroscopic time is identified, the school shall ensure that corrective action by the supervising radiologist is implemented and recorded in the student's file;
4. Develop and implement an educational plan for competency based clinical education, which shall include, but not be limited to, didactic and laboratory instruction, clinical practice, clinical competency testing and remediation for failed competency evaluations. The school shall ensure that no person other than a radiologist determines clinical competency;
5. Prior to the start of the assignment, inform the Department of the location where the radiologist assistant student will be assigned for clinical education, the name of each supervising radiologist, and the length of the assignment;
6. Ensure that all assigned radiologist assistant students perform delegated fluoroscopic procedures as prescribed below under the appropriate level of supervision of a radiologist or a radiologist assistant who meets the requirements in (a) above:
  - i. Only a radiologist can determine whether a student is clinically competent to perform a delegated fluoroscopic procedure.
  - ii. Until a student is determined to be clinically competent in a given delegated fluoroscopic procedure, the student must perform that procedure under direct supervision by a supervising radiologist or radiologist assistant who meets the requirements in (a) above.
  - iii. After a student is determined to be clinically competent in a given delegated fluoroscopic procedure, the student may perform that procedure without direct supervision,

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provided that a radiologist or a radiologist assistant who meets the requirements in (a) above is on-site and immediately available to furnish assistance and direction throughout the performance of the procedure and provided that the level of supervision provided is consistent with the supervision required by the New Jersey State Board of Medical Examiners: and

7. Provide remedial instruction for any procedure that is performed by a radiologist assistant student and found to be unacceptable by the supervising radiologist or radiologist assistant who meets the requirements in (a) above. If the student's performance of the procedure is determined to be unacceptable after a student has been determined to be clinically competent, the school shall ensure that the student's performance of the procedure is directly supervised as required in (g)6ii above until a radiologist determines that the student is clinically competent to perform that procedure. All remedial instruction shall be documented in the student's file.

(h) No school shall assign a radiologist assistant student to a New Jersey facility for clinical education unless the school complies with (b) and (g) above.

### **7:28-19.17 Procedures for requesting and conducting adjudicatory hearings**

(a) Subject to the limitation on third-party hearing rights specified in (f) below, an applicant for examination, license or Board-approval for a radiologic technology school, or any person who believes that he or she is aggrieved by any Board finding as it relates to such an application may contest the decision and request a contested case hearing. The request shall be made in writing to the Department at the address listed in (e) below within 20 calendar days from receipt of the Board's findings.

The person requesting the hearing shall include the following information in each hearing request:

1. The name, address, and telephone number of the applicant and its authorized representative;
2. The date the applicant received the Board finding;
3. A copy of the finding and a list of all issues being appealed;
4. The defenses to each of the Board's findings of fact stated in short and plain terms;
5. An admission or denial of each of the Board's findings. If the person is without knowledge or information sufficient to form a belief as to the truth of a finding, the applicant shall so state and this shall have the effect of a denial. A denial shall fairly meet the substance of the findings denied. When the applicant intends in good faith to deny only a part or a qualification of a finding, the applicant shall specify so much of it as is true and material and deny only the remainder. The person may not generally deny all of the findings, but shall make all denials as specific denials of designated findings. For each finding the person denies, the person shall state the fact or facts as the applicant believes it or them to be,
6. Information supporting the request and specific reference to or copies of other written documents relied upon to support the request,
7. An estimate of the time required for the hearing (in days and/or hours); and
8. A request, if necessary, for a barrier-free hearing location for physically disable persons.

Note: This is a courtesy copy and is not the official version of this rule. The official, legally effective version of this rule is available through [www.lexisnexis.com/bookstore](http://www.lexisnexis.com/bookstore) (Phone: (800) 223-1940). Should there be any discrepancies between this text and the official version, the official version will govern.

(b) Subject to the limitation on third-party hearing rights specified in (f) below, a licensed technologist, applicant for license renewal, or Board-approved school, or any person who believes that he or she is aggrieved by any Board finding or an administrative order issued pursuant to this subchapter may contest the finding or administrative order and request a contested case hearing. The person requesting the hearing shall submit an original request in writing to the Department at the address at (e) below within 20 calendar days after the violator's receipt of the administrative order.

The person requesting the hearing shall include the following information in each hearing request:

1. The name, address, and telephone number of the person requesting the hearing and any authorized representative;
2. The date the person requesting the hearing received the Board's finding or administrative order being contested;
3. A copy of the Board's finding or administrative order and a list of all issues being appealed;
4. The person's defenses to each of the findings of fact, stated in short and plain terms;
5. An admission or denial of each of the findings of fact. If the person requesting the hearing is without knowledge or information sufficient to form a belief as to the truth of a finding, the person shall so state and this shall have the effect of a denial. A denial shall fairly meet the substance of the findings denied. When the person intends in good faith to deny only a part or a qualification of a finding, the person shall specify so much of it as is true and material and deny only the remainder. The person may not generally deny all of the findings of fact, but shall make all denials as specific denials of designated findings. For each finding of fact the person requesting the hearing denies, the person shall state the fact or facts as the violator believes it or them to be;
6. Information supporting the request and specific reference to or copies of other written documents relied upon to support the request;
7. An estimate of the time required for the hearing (in days and/or hours); and
8. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

(c) The Department shall deny the hearing request if:

1. The applicant or person requesting the hearing fails to include all the information required by (a) or (b) above; or
2. The Department does not receive the request within 20 calendar days after the applicant or person requesting the hearing received the Board's finding or administrative order being contested.

(d) The Department shall conduct all adjudicatory hearings in accordance with the Administrative Procedure Act, N.J.S.A. 52:1413-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C 1:1.

(e) The applicant or violator shall send the request for an adjudicatory hearing to:  
The Office of Legal Affairs  
New Jersey Department of Environmental Protection  
401 East State Street, Fourth Floor

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PO Box 402  
Trenton, New Jersey 08625-0402  
Attention: Hearing Request; and

New Jersey Department of Environmental Protection  
Bureau of Radiological Health  
25 Arctic Parkway  
PO Box 415  
Trenton, New Jersey 08625-0415  
Attention: Hearing Request

(f) Nothing in this section shall be construed to provide a right to an adjudicatory hearing in contravention of N.J.S.A. 52:14B-3.1 through 3.3.

### **7:28-19.18 Severability**

Each section of this subchapter is severable. In the event that any section, subsection or division, or application thereof, is held invalid in a court of law, the remainder of this subchapter shall continue in full force and effect.