

PUBLIC NOTICE

HEALTH

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

CERTIFICATE OF NEED AND HEALTH CARE FACILITY LICENSURE PROGRAM

Notice of Action on Petition for Rulemaking

Manual of Standards for Licensing of Ambulatory Care Facilities

**Computerized Tomography (CT), Magnetic Resonance Imaging (MRI), and
Radiological Services**

Additional Staffing

N.J.A.C. 8:43A-25.2

Petitioner: John D. Fanburg, Esq., Brach Eichler LLC, Roseland, New Jersey, on behalf of the Radiological Society of New Jersey, Whippany, NJ.

Take notice that the Department of Health (Department) has determined to deny the petition for rulemaking that is described below.

On February 29, 2024, the Department received a petition for rulemaking from the above petitioner requesting that the Department make certain amendments at N.J.A.C. 8:43A-25.2(a)1 and (b)2. A notice acknowledging receipt of the petition was published in the New Jersey Register on June 17, 2024, at 56 N.J.R. 1125(a).

N.J.A.C. 8:43A-25.2(a)1 and (b)2 require a radiologist to be physically present on the premises of a licensed ambulatory care facility (facility) during the administration of contrast medium to a patient in the performance of, respectively, computer tomography

(CT) and magnetic resonance imaging (MRI) services. The petitioner requested that the Department modify N.J.A.C. 8:43A-25.2(a)1 and (b)2 to permit a radiologist to supervise the administration of contrast medium to a patient undergoing a CT or an MRI test at a facility through virtual presence, rather than on-site, using audiovisual real-time communication technology. The Department reviewed the petition pursuant to law and, upon due deliberation, has determined to deny the petition.

The New Jersey Board of Medical Examiners within the Division of Consumer Affairs of the Department of Law and Public Safety (the Board) establishes standards governing the respective scopes of practice of radiologists and radiology technicians. N.J.A.C. 13:35-6.20A, Radiologist assistant performing procedures, at paragraphs (c)6 and 7, permit a radiology technician to administer contrast dye exclusively under either the direct or personal supervision of a radiologist, depending on the procedure. N.J.A.C. 13:35-6.20A(a) defines both “direct supervision” and “personal supervision” to require a radiologist to be physically present on the facility premises during a supervised procedure. Thus, the relief the petitioner requests would violate this rule of the Board by authorizing a radiologist to deviate from the radiologist’s duty to supervise a radiology technician in the administration of contrast dye, and by allowing a radiology technician to exceed the technician’s authorized scope of practice by permitting the technician to administer contrast dye with inadequate supervision.

The Department inquired of the Board as to whether it is developing rulemaking to amend N.J.A.C. 13:35-6.20A in a manner that would authorize the Department to grant the petition without impinging on the Board’s authority to regulate these professions’ respective scopes of practice and duties. The Board indicated that no such

rulemaking is in development or planned. Therefore, the Department has determined to deny the petition as seeking relief that would conflict with the Board's rule governing the authorized scopes of practice and duties of a radiologist.

A copy of this notice has been mailed to the petitioner in accordance with N.J.A.C. 1:30-4.2.