

45:25-1 to 13  
LEGISLATIVE HISTORY CHECKLIST

HJSA 45:25-1 to 13

LAWS OF 1968 CHAPTER 291

Bill No. A660

Sponsor(s) Dennis and others

Date Introduced April 22, 1968

Committee: Assembly Commerce, Industry and Professions

Senate Commerce, Industry and Professions

Amended during passage Yes  Amendments during passage denoted by asterisks

Date of Passage: Assembly June 24, 1968

Senate June 24, 1968

Date of approval Sept. 6, 1968

Following statements are attached if available:

Sponsor statement  Yes  No

Committee Statement: Assembly  Yes  No

Senate  Yes  No

Fiscal Note  Yes  No

Veto message  Yes  No

Message on signing  Yes  No

Following were printed:

Reports  Yes  No

Hearings  Yes  No

OFFICE OF THE CLERK OF THE LEGISLATURE  
ASSEMBLY BUILDING  
[SECOND OFFICIAL COPY REPRINT]  
ASSEMBLY, No. 660

STATE OF NEW JERSEY

INTRODUCED APRIL 22, 1968

By Assemblymen DENNIS, WILSON, FIORE, CAPUTO, RINALDI,  
KEAN, VOLK, HOLLENBECK, FONTANELLA, AIKINS and  
RUSSO

Referred to Committee on Commerce, Industry and Professions

AN Act providing for the regulation and certification of X-ray technicians and establishing an X-ray technician board as an agency of the Commission on Radiation Protection in the Department of Health, and making an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. It is declared to be the policy of the State of New Jersey that  
2 the health and safety of the people of the State must be protected  
3 against the harmful effects of excessive and improper exposure  
4 to ionizing radiation. Such protection can in some major measure  
5 be accomplished by requiring adequate training and experience of  
6 persons operating X-ray equipment in each particular case under  
7 the specific direction of licensed practitioners as defined herein.  
8 It is the purpose of this act to establish standards of education,  
9 training and experience and to require the examination and cer-  
10 tification of operators of X-ray equipment.

1 2. When used in this law:

2 (a) "X-ray technician" means a person other than a licensed  
3 practitioner who uses X-rays on human beings; the term shall in-  
4 clude a person who actually handles X-ray equipment in the  
5 process of applying radiation on a human being in each particular  
6 case under the specific direction of a licensed practitioner.

7 (b) "Licensed practitioner" means a person licensed or other-  
8 wise authorized by law to practice medicine, dentistry, *\*\*dental*  
9 *hygiene;* *\*\*podiatry*, chiropody, osteopathy or chiropractic.

10 (c) "Health physicist" means a person who is certified by the  
11 American Board of Health Physics or the American Board of  
12 Radiology in radiation physics.

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

13 (d) "Department" means the State Department of Health.

14 (e) "Board" means the X-ray technician board of examiners as  
15 provided for in this act.

16 (f) "Commission" means the Commission on Radiation Pro-  
17 tection in the State Department of Health.

18 (g) "Commissioner" means the State Commissioner of Health.

19 (h) "Certificate" means a certification granted and issued by  
20 the board under this act.

1 3. (a) Except as hereinafter provided, no person shall use X-rays  
2 on a human being unless he is a licensed practitioner or unless he  
3 is the holder of a certificate as provided in this act.

4 (b) A person holding a certificate as an X-ray technician may  
5 use the title "certified X-ray technician," "certified X-ray tech-  
6 nologist," or the letters "C.X.T." after his name. No other person  
7 shall be entitled to do so, or to use a title, or letters after his name  
8 that indicates or implies that he is a certified X-ray technician,  
9 or to hold himself out in any way, whether orally or in writing,  
10 expressly or by implication, as a certified X-ray technician.

11 (c) A person holding a certificate as an X-ray technician may  
12 only use X-rays or X-ray producing equipment on human beings  
13 for diagnostic or therapeutic purposes while operating in each  
14 particular case under the specific direction of a licensed practi-  
15 tioner, and only if the application of X-rays and the direction to  
16 an X-ray technician to apply X-rays are limited to those persons  
17 or parts of the human body specified in the law under which the  
18 practitioner is licensed.

19 (d) Nothing in the provisions of this act relating to X-ray tech-  
20 nicians shall be construed to limit, enlarge or affect, in any respect  
21 the practice of their respective professions by duly licensed  
22 practitioners.

23 (e) The requirement of a certificate shall not apply to:

24 (1) A hospital resident specializing in radiology who is not  
25 a licensed practitioner in the State of New Jersey, or a student  
26 enrolled in and attending a school or college of medicine,  
27 osteopathy, chiropody, podiatry, dentistry, *\*\*dental hygiene,\*\**  
28 chiropractic or X-ray technology who applies radiation to a  
29 human being while under the direct supervision of a licensed  
29A practitioner;

30 (2) A person engaged in performing the duties of an X-ray  
31 technician in his employment by an agency, bureau, or division  
32 of the government of the United States;

1 4. (a) There shall be an X-ray technician board consisting of  
2 *\*\*[9]\*\* \*\*10\*\** examiners which shall be an agency of the Com-

3 mission on Radiation Protection and which shall report to the com-  
4 mission. The board shall consist of 2 commission members  
5 appointed annually to the membership of the board by the chair-  
6 man of the commission, and of ~~two~~ <sup>two</sup> additional members  
7 appointed by the Governor. Of the members appointed by the  
8 Governor, 2 shall be radiologists who have practiced not less than 5  
9 years; one shall be a licensed physician who has actively engaged  
10 in the general practice of medicine not less than 5 years; *one shall*  
11 *be a licensed dentist actively engaged in the general practice of*  
12 *dentistry not less than 5 years;* <sup>one</sup> one shall be an administrator of a  
12A general hospital with at least 5 years of such experience; one shall  
12B be a health physicist who has practiced as such not less than 5 years;  
13 2 shall be practicing X-ray technicians with at least 10 years of  
14 experience in the practice of X-ray technology and, except in the  
15 case of those members first appointed to the board, holders of cer-  
16 tificates issued pursuant to this act.

17 (b) The term of office of the members appointed by the Governor  
18 shall be 3 years except that of the members first appointed, 2 shall  
19 be appointed for terms of 1 year, 2 for terms of 2 years, and 3 for  
20 terms of 3 years. Vacancies shall be filled for an unexpired term  
21 only in the manner provided for the original appointment.

22 (c) Members of the board shall serve without compensation but  
23 shall be reimbursed for their reasonable and necessary traveling  
24 and other expenses incurred in the performance of their official  
25 duties.

26 (d) The commissioner shall designate an officer or employee of  
27 the department to act as secretary of the board, who shall not be  
28 a member of the board.

29 (e) The board at its first meeting to be held within 30 days after  
30 appointment, and annually thereafter at its first meeting in each  
31 year, shall organize and elect from its members a chairman.

32 (f) Within 5 days after the organization meeting of the first ap-  
33 pointed board, the secretary shall convey to the commission and  
34 to the department in writing a report of the chairman elected, and  
35 the department shall, following the receipt of said report, issue a  
36 certificate of certification, without an examination, to each member  
37 of the board who is a practicing X-ray technician.

38 (g) The board, for the purpose of transacting its business, shall  
39 meet at least once every 6 months at times and places fixed by the  
40 board. Special meetings also may be held at such times as the  
41 board may fix, or on the call of the chairman or the commissioner.  
42 A written and timely notice of the time, place and purpose of any

43 special meeting shall be mailed by the secretary to all members of  
44 the board.

45 (h) A majority of the members of the board shall constitute a  
46 quorum for the transaction of business at any meeting.

1 5. The commission shall have power subject to approval of the  
2 commissioner to make such rules and regulations, not inconsistent  
3 with law, as may be necessary to carry out the provisions of this  
4 act. In promulgating such rules and regulations, the commission  
5 shall seek the advice of the board.

1 6. (a) The board shall admit to examination for certification  
2 any applicant who shall pay to the department a nonrefundable  
3 fee of \$20.00 and submit satisfactory evidence, verified by oath or  
4 affirmation, that he

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

6 (2) Is of good moral character;

7 (3) Has successfully completed a 4-year course of study in  
8 a secondary school approved by the State Board of Education  
9 or, passed an approved equivalency test; and

10 (4) Has satisfactorily completed a 24 months' course of  
11 study in X-ray technology in a school of X-ray technology ap-  
12 proved by the board as maintaining a satisfactory standard,  
13 or the equivalent of such a course of study as determined by  
14 the board.

1 7. (a) The board may approve a school of X-ray technology as  
2 maintaining a satisfactory standard:

3 (1) If its course of study includes not less than 400 hours  
4 of classroom work including but not limited to the following  
5 subjects: X-ray physics, radiographic techniques, darkroom  
6 chemistry and techniques, anatomy and physiology, radiation  
7 protection, radiation therapy, and professional ethics; and

8 (2) If its course of study includes not less than 2,400 hours  
9 to be devoted to clinical experience consisting of demonstra-  
10 tions, discussions, seminars and supervised practice, including  
11 not less than 80 hours of regularly scheduled supervised film  
12 critiques.

13 (b) An approved school of X-ray technology may be operated  
14 by a medical or educational institution or other public, or private  
15 agency or institution, and for the purpose of providing the requisite  
16 clinical experience, shall be affiliated with one or more hospitals  
17 that, in the opinion of the board, are likely to provide such  
18 experience.

19 (c) In approving a school of X-ray technology, the board shall  
20 take into consideration the standards adopted by appropriate pro-

21 fessional organizations, such as the American Medical Association  
22 and the American College of Radiology, and may accept the cer-  
23 tification of a school of X-ray technology, or the accreditation of  
24 a hospital to provide requisite clinical experience, if the board finds  
25 that such certification or accreditation was granted on the basis of  
26 standards that will afford the same protection to the public as the  
27 standards provided by this act.

1 8. (a) All applicants shall be required to pass an examination  
2 encompassing the following subjects: X-ray physics, radiographic  
3 techniques, darkroom chemistry and techniques, anatomy and  
4 physiology, radiation protection, radiation therapy, medical termi-  
5 nology, basic electronics, radiological equipment maintenance,  
6 radiological mathematics and professional ethics.

7 (b) The board shall prepare and submit to the department, as  
8 required, lists of examination questions or problems. Examination  
9 shall be administered by the board.

10 (c) The board shall hold an examination at least once every 6  
11 months at such times and places as the board may determine, for  
12 applicants desirous of practicing as X-ray technicians in this State.

13 (d) Examinations shall include a written portion but may also  
14 include practical and oral portions. Following each examination,  
15 the papers and the practical and oral examinations shall be graded  
16 and the standing of each applicant shall be recorded. The board  
17 shall either pass or reject each applicant.

18 (e) An applicant who fails to pass the examination may apply  
19 for a second examination. A nonrefundable application fee of  
20 \$20.00 shall be charged for the second and for any subsequent  
21 examination.

22 (f) The board may accept in lieu of its own examination a cer-  
23 tificate of the American Registry of Radiologic Technologists  
24 issued on the basis of a registry examination satisfactory to the  
25 board.

26 (g) The board may accept in lieu of its own examination a cer-  
27 tificate, registration or license as an X-ray technician issued by  
28 another State; such acceptance will be based on standards in the  
29 other State satisfactory to the board.

1 9. (a) The board shall issue a certificate to each candidate who  
2 has either successfully passed the examination, or who has paid  
3 the prescribed fee and has qualified under subsection (f) or (g) of  
4 section 8 of this act.

5 (b) The board may, in its discretion, issue a limited certificate  
6 to any applicant who does not qualify by reason of a restricted  
7 area or duration of training and experience for the issuance of a

8 certificate under the provisions of section 10 of this act,  
9 but who has demonstrated to the satisfaction of the board by ex-  
10 amination that he is capable of performing the functions of an  
11 X-ray technician in chest radiography or radiation therapy or of  
12 acting as a dental technician. A limited certificate shall specify  
13 the activities that its holder may engage in and shall be issued  
14 only if the board finds that its issuance will not violate the purposes  
15 of this act or tend to endanger the public health and safety.

16 (c) The board may, in its discretion, issue a temporary certificate  
17 (1) to any person who qualified for examination under section 10  
18 of this act, (2) to any person who has failed his first examination  
19 under section 10 of this act and who applied for a second examina-  
20 tion, and (3) to any person whose certification or recertification  
21 may be pending and in whose case the issuance of a temporary  
22 certificate may be justified by reason of special circumstances. A  
23 temporary certificate shall be issued only if the board finds that  
24 its issuance will not violate the purposes of this act or tend to  
25 endanger the public health and safety. A temporary certificate  
26 shall expire 90 days after the date of the next examination if the  
27 applicant is required to take the same, or, if the applicant does  
28 not take the examination, then on the date of such examination.  
29 In all other cases, a temporary certificate shall expire when the  
30 determination is made either to issue to the applicant, or to deny  
31 him the issuance, of a regular certificate, and in no event shall such  
32 a temporary certificate be issued for a period longer than 180 days.

33 (d) Every X-ray technician shall carry his certificate with him  
34 when at work. The certificate shall be displayed on request.

1 10. (a) The board shall issue a certificate to any person who  
2 makes application to it in writing accompanied by a fee of \$20.00  
3 within 1 year from the effective date of this act, and who is of good  
4 moral character,

5 (1) If he has been engaged as an X-ray technician for at  
6 least 5 of the 6 years immediately prior to the effective date  
7 of this act, and passes an oral or practical examination pre-  
8 pared by the board to show his proficiency; or

9 (2) If he has been engaged as an X-ray technician for at  
10 least 2 of the 3 years immediately prior to the effective date  
11 of this act and passes an oral or practical examination, and a  
12 written examination, prepared by the board to show his  
13 proficiency.

14 (b) A person having the qualifications specified in subsection  
15 (a) of this section and who shall be on active duty with the Armed  
16 Forces of the United States during any portion of a 6-month

17 period after this act becomes effective, shall be permitted to make  
18 application under the terms provided in this section within 6  
19 months after the date of termination of his active duty, but in any  
20 event not later than 1 year after the effective date of this act.

21 (c) A student who is engaged in a 24-months' course of study of  
22 X-ray technology in a school of X-ray technology on the effective  
23-24 date of this act and who shall complete such course of study, shall  
25 be eligible for examination and certification as provided in sub-  
26 section (a) (2) of this section.

27 (d) A person who has successfully completed a 24-month course  
28 of study of X-ray technology in a school of X-ray technology within  
29 the 2-year period immediately preceding the effective date of this  
30 act, shall be eligible for examination and certification as provided  
31 in subsection (a) (2) of this section.

32 (e) Application shall be made in a form prescribed by the board  
33 and shall be accompanied by such other evidence of qualifications  
34 as may be required.

35 (f) If a candidate who applied for certification under the pro-  
36 visions of this section fails the first examination, he may, at any  
37 time thereafter, apply for a second examination, for which an  
38 additional nonrefundable application fee of \$20.00 shall be required.

1 11. (a) An X-ray technician's certificate issued in accordance  
2 with section 9 shall expire on December 31 of the first even-  
3 numbered year following the year of its issuance and of every  
4 even-numbered year thereafter. A certificate shall be renewed by  
5 the board for a period of 2 years upon payment of a renewal fee  
6 in an amount to be determined by the board and submission of a  
7 renewal application containing such information as the board  
8 deems necessary to show that the applicant for renewal is an X-ray  
9 technician in good standing.

10 (b) An X-ray technician who has been heretofore duly certified  
11 in this State and whose certificate has not been revoked or  
12 suspended, and who has temporarily ceased his activities as X-ray  
13 technician for not more than 5 years and surrendered his certificate,  
14 may apply for the reissuance of a certificate upon complying with  
15 the provisions of this section, including payment of any fees due  
16 as of the date of surrender.

1 12. (a) The certificate of an X-ray technician may be suspended  
2 for a fixed period, or may be revoked, or such technician may be  
3 censured, reprimanded or otherwise disciplined, in accordance with  
4 the provisions and procedures defined in this act, if after due  
5 hearing it is determined that:



6 (1) He is guilty of any fraud or deceit in his activities as an  
7 X-ray technician or has been guilty of any fraud or deceit in  
8 procuring his certificate;

9 (2) He has been convicted in a court of competent juris-  
10 diction, either within or without his State, of a crime involving  
11 moral turpitude, except that if the conviction has been reversed  
12 and the holder of the certificate discharged or acquitted, or if  
13 he has been pardoned or his civil rights restored, the certificate  
14 may be restored to him;

15 (3) He is an habitual drunkard or is addicted to the use of  
16 morphine, cocaine or other drugs having similar effect, or is  
17 insane;

18 (4) He has aided and abetted a person who is not a certified  
19 X-ray technician or otherwise authorized, in engaging in the  
20 activities of an X-ray technician;

21 (5) He has undertaken or engaged in any practice beyond  
22 the scope of the authorized activities of a certified X-ray tech-  
23 nician pursuant to this act;

24 (6) He has falsely impersonated a duly certified X-ray tech-  
25 nician or former duly certified X-ray technician or is engaging  
26 in the activities of an X-ray technician under an assumed name;

27 (7) He has been guilty of unethical conduct as defined by  
28 rules promulgated by the commission;

29 (8) He has continued to practice without obtaining a cer-  
30 tificate renewal as required by section 11;

31 (9) He has applied X-rays to a human being when not oper-  
32 ating in each particular case under the specific direction of a  
33 duly licensed practitioner as defined herein; or to any person  
34 or part of the human body other than specified in the law under  
35 which such practitioner is licensed;

36 (10) He has acted or is acting as an owner, co-owner, or em-  
37 ployer in any enterprise engaged in the application of X-rays  
38 to human beings for the purpose of diagnostic interpretation,  
39 chiropractic analysis, or the treatment of disease;

40 (11) He has expressed to a member of the public an in-  
41 terpretation of a diagnostic X-ray film or fluorescent image;

42 (12) He has used or is using the prefix "Dr.," the word  
43 "doctor" or any suffix or affix to indicate or imply that the  
44 certified X-ray technician is a duly licensed practitioner as  
45 defined herein when not so licensed;

46 (13) He is or has been guilty of incompetence or negligence  
47 in his activities as an X-ray technician.

48 (b) Proceedings against any certified X-ray technician under this  
49 section shall be begun by filing with the board a written charge  
50 or charges under oath against such X-ray technician. The charges  
51 may be preferred by any person, corporation, association or public  
52 officer, or by the board in the first instance. A copy thereof, together  
53 with a report of such investigation as the board shall deem proper,  
54 shall be referred to the commission for its recommendation to the  
55 commissioner. If the commissioner decides that the charges should  
56 be heard, he shall designate 3 or more members of the board as  
57 a committee to hear and report on the charges and shall set a time  
58 and place for the hearing. A copy of the charges, together with a  
59 notice of the time and place of hearing shall be served upon the  
60 person charged either personally or by registered mail at least 15  
61 days before the date fixed for the hearing, and he shall have an  
62 opportunity to appear and answer the charges either personally  
63 or by counsel, to cross-examine witnesses against him and to pro-  
64 duce evidence and witnesses in his defense. For the purposes of  
65 this section, the board or its committee shall have power to issue  
66 subpoenas for the appearance of witnesses, and to take testimony  
67 under oath. Upon the conclusion of the hearing the committee  
68 shall make a written report of its findings and recommendations  
69 to the commissioner. If the commissioner finds that the charges  
70 have not been proved, he shall order them dismissed. If the charges  
71 are found to be true, the commissioner shall, in his discretion, issue  
72 an order suspending or revoking the certificate of the accused, or  
73 otherwise disciplining him.

74 (c) When the certificate of any person has been revoked or  
75 annulled, as herein provided, the board may, after the expiration  
76 of 2 years, entertain an application for restoration of such  
77 certificate.

1 13. (a) It shall be unlawful for any person to

2 (1) Sell or fraudulently obtain or furnish an X-ray tech-  
3 nician diploma, certificate, or record, or to aid or abet in the  
4 same;

5 (2) Engage in the activities of an X-ray technician under  
6 cover of a diploma, or certificate illegally or fraudulently ob-  
7 tained or signed or issued unlawfully, or under fraudulent  
8 representation or mistake of fact in material regard;

9 (3) Engage in the activities of an X-ray technician under  
10 a false or assumed name;

11 (4) Engage in, or hold himself out as entitled to engage in,  
12 the activities of an X-ray technician without a valid certificate.

13 (5) Otherwise violate any of the provisions of this act.

14 (b) Any person who violates any provision of section 13 (a) of  
15 this act shall be guilty of a misdemeanor.

1 \*~~14.~~ There is hereby appropriated the sum of \$100,000.00 to  
2 carry out the provisions of this act.\*

1 \*~~15.~~ \*14.\* This act shall take effect 3 months after the date  
2 of its enactment, except that the members of the X-ray technician  
3 board of examiners as provided by this act may be appointed at  
4 any time prior to such date and the department may immediately  
5 take such action as may be necessary for this act to become fully  
6 effective on such date.

FISCAL NOTE TO  
ASSEMBLY, No. 660

STATE OF NEW JERSEY

DATED: JUNE 10, 1968

Assembly Bill No. 660 would provide for the regulation and certification of X-ray technicians and establish an X-ray technician board as an agency of the Commission on Radiation Protection in the Department of Health.

The Department of Health estimates that in the first year of operation of Assembly Bill No. 660, if enacted, revenues of \$40,000.00 can be anticipated, with estimated expenses of \$26,543.00, leaving a net surplus of \$13,457.00. In the following fiscal year, revenues are expected to be \$20,000.00, with expenses of \$18,200.00, leaving a net surplus of \$1,800.00.

Expenses involved with the implementation of Assembly Bill No. 660, as outlined by the department, are as follows:

Salaries:

	<i>Fiscal 1969</i>	<i>Fiscal 1970</i>
Sr. Clerk-Stenographer .....	\$4,524	\$4,750
Sr. Clerk-Stenographer .....	4,524	4,750
Total salaries .....	<u>\$9,048</u>	<u>\$9,500</u>
Printing and Office .....	\$2,000	\$1,000
Travel .....	1,500	1,500
Telephone .....	500	500
Advertising .....	2,000	1,000
Postage .....	1,000	500
Rent—Buildings .....	1,000	500
Rent—CMP (1 car at \$100/mo.) .....	1,200	1,200
Other Professional .....	5,000	2,500
Office Equipment:		
2 Sec. Desks @ \$125 .....	—\$250	
2 Sec. Chairs @ \$35 .....	— 70	
2 Elec. Typewriters @ \$440 .....	— 880	
3 5-dr. files @ \$65 .....	— 195	
	<u>1,395</u>	

## Vehicular Equipment:

1 2-dr. Sedan	1,000	
Total All Other	\$17,495	\$8,700
Grand Total	\$26,543	\$18,200

Although \$100,000.00 is appropriated by Assembly Bill No. 660, the cost estimates for the first year is \$26,543.00, and \$18,200.00 for the second year of operation. The bill is silent as to whether the program should be self-supporting.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.