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SUBCHAPTER 24. NUCLEAR MEDICINE AND FUSION IMAGING COMPUTED TOMOGRAPHY (CT) TECHNOLOGY

7:28-24.1 Purpose, scope, and applicability

(a) This subchapter establishes educational and licensure requirements, as well as delineating the scopes of practice, for persons engaged in the practice of nuclear medicine technology, and for persons engaged in the practice of fusion imaging CT technology. This subchapter further establishes certain responsibilities of authorized users, owners, and registrants of radiation sources used in the practice of nuclear medicine technology or the practice of fusion imaging CT technology. This subchapter also establishes standards for the operation of, and the Department's approval of, educational programs in nuclear medicine technology.

(b) This subchapter shall not be interpreted as precluding persons specializing in nuclear medicine physics, computer science, or engineering from manipulating nuclear medicine data under the supervision of an authorized user pursuant to N.J.A.C. 7:28-55.1.

(c) The following are exempt from the requirement to possess a nuclear medicine technology license:

1. Authorized users;
2. Licensed physicians who are acting under the supervision of an authorized user pursuant to N.J.A.C. 7:28-55.1;
3. Students enrolled in and attending a school of medicine or osteopathy, who are acting within the school's curriculum and under the supervision of an authorized user pursuant to N.J.A.C. 7:28-55.1; and
4. Students enrolled in and attending a Department approved school of nuclear medicine technology, who are acting within the school's curriculum, provided that students are supervised in accordance with N.J.A.C. 7:28-24.13(b)1.

(d) The following are exempt from the requirement to possess a fusion imaging CT technology license:

1. Licensed physicians;
2. Licensed diagnostic radiologic technologists;
3. Students enrolled in and attending a school of medicine or osteopathy, who are acting within the school's curriculum, and are under the direct supervision of a licensed physician or licensed diagnostic radiologic technologist or licensed fusion imaging CT technologist;

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4. Students enrolled in and attending a Department approved school of nuclear medicine technology and are acting within the school's curriculum, provided that students are supervised in accordance with N.J.A.C. 7:28-24.13(b)2;

5. Licensed nuclear medicine technologists in accordance with N.J.A.C. 7:28-24.4(e); and

6. Students enrolled in and attending a Board approved school of diagnostic radiologic technology in accordance with N.J.A.C. 7:28-19.1(c)4.

(e) The requirements of this subchapter shall not apply to a licensed radiopharmacy operating within the scope of its Department radioactive materials license and New Jersey Board of Pharmacy license.

(f) Authorized users and owners of nuclear medicine technology equipment must also comply with all other applicable Federal and State radioactive material regulations.

7:28-24.2 Definitions

(a) The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Authorized user" means a licensed physician who is identified as an authorized user on a Department radioactive materials license pursuant to N.J.A.C. 7:28-55.1.

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

"Clinical education center" means a facility (such as a medical office, hospital, or imaging center) where a person is permitted to engage in the practice of nuclear medicine technology or fusion imaging CT technology for the purposes of clinical education in these disciplines.

"Diagnostic dose" means a radionuclide or radiopharmaceutical which is intended for diagnostic purposes.

"Direct supervision" means being present in the room with the person to observe and supervise the nuclear medicine or CT procedure.

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

"Fusion imaging CT technology" means the use of CT equipment as part of a fusion imaging procedure.

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“Fusion imaging procedure” means a medical imaging procedure that utilizes equipment capable of performing two or more types of medical imaging procedures simultaneously or in close sequence and merging the data to form a single composite image. For the purpose of this subchapter, fusion imaging procedures are limited to Positron Emission Tomography/Computed Tomography (PET/CT) and Single-Photon Emission Computed Tomography/Computed Tomography (SPECT/CT).

"Indirect supervision" means being immediately available in the room or adjacent to the room where the person is performing the nuclear medicine procedure.

"Initial application" means the first application submitted by an individual to the Department for a license to practice nuclear medicine technology or fusion imaging CT technology.

“JRCNMT” means the Joint Review Committee on Educational Programs in Nuclear Medicine Technology.

“Licensed diagnostic radiologic technologist” means a person who possesses a valid license in diagnostic radiologic technology issued pursuant to N.J.A.C. 7:28-19.

“Licensed fusion imaging CT technologist” means a licensed nuclear medicine technologist that holds an additional license issued by the Board that permits him or her to engage in the practice of fusion imaging CT technology.

"Licensed Nuclear Medicine Technologist" (LNMT) means a person who possesses a valid license issued by the Department to engage in the practice of nuclear medicine technology.

"Licensed Physician" means an individual who holds a plenary license to practice medicine issued by the New Jersey State Board of Medical Examiners.

"Operating CT equipment" means using or manipulating CT 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 "operating" includes activating or terminating the radiation exposure, setting or adjusting technical factors, and setting or adjusting the size of the exposure field.

"Radionuclide" means a radioactive element or a radioactive isotope.

"Radiopharmaceutical" means a radionuclide or radionuclide compound designed and prepared for administration to humans.

"Therapeutic dose" means a radionuclide or radiopharmaceutical which is intended for therapeutic purposes.

(b) Definitions for other terms used in this subchapter may be found in subchapter 1 of

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this chapter.

7:28-24.3 General provisions

(a) No owner, authorized user, person, or business shall cause, allow, or permit any other person to prepare or administer radiopharmaceuticals or to otherwise engage in the practice of nuclear medicine technology or to act as a licensed nuclear medicine technologist unless that other person is an authorized user or possesses a current, validly obtained license as a nuclear medicine technologist, pursuant to this subchapter.

(b) No owner, authorized user, person, or business shall cause, allow, or permit any other person to engage in the practice of fusion imaging CT technology or to act as a licensed fusion imaging CT technologist unless that other person is a licensed physician, licensed diagnostic radiologic technologist, or possesses both a current nuclear medicine technology and a fusion imaging CT technology license pursuant to this subchapter.

(c) No person other than a licensed fusion imaging CT technologist may use the title “licensed fusion imaging CT technologist” or LRT(FCT) after his or her name.

(d) No person shall prepare or administer radiopharmaceuticals or otherwise engage in the practice of nuclear medicine technology or act as a licensed nuclear medicine technologist unless such person is an authorized user or possesses a current, validly obtained license as a nuclear medicine technologist, pursuant to this subchapter.

(e) No person shall engage in the practice of fusion imaging CT technology unless such person is a licensed fusion imaging CT technologist, or is exempt from the licensing requirements in accordance with N.J.A.C. 7:28-24.1(d).

(f) No owner, authorized user, person, or business shall cause, allow, or permit a licensed fusion imaging CT technologist to perform a CT procedure unless it is part of a fusion imaging procedure, or the technologist is authorized to perform the CT procedure in accordance with an appropriate license.

(g) No licensed fusion imaging CT technologist shall perform a CT procedure unless it is part of a fusion imaging procedure, or the technologist is authorized to perform the CT procedure in accordance with an appropriate license.

(h) No person shall use sealed sources composed of radionuclides for purposes of external beam therapy, except for an authorized user or a radiologic technologist as licensed pursuant to N.J.S.A. 26:2D-24 et seq. and N.J.A.C. 7:28-19.

(i) The owner and the holder of a Federal or State radioactive materials license shall be jointly and severally responsible for identifying and documenting the identity of an authorized user for each administration of that radiopharmaceutical. Such authorized user shall be

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responsible for any administration of such radiopharmaceutical by a licensed nuclear medicine technologist.

(j) The authorized user, the owner, the holder of a Federal or State radioactive materials license, and the licensed nuclear medicine technologist shall be jointly and severally responsible for complying with all license conditions including, but not limited to, recording such information as may be required as a condition of license issued pursuant to this chapter.

(k) A licensed nuclear medicine technologist shall carry out the practice of nuclear medicine technology in a manner consistent with this chapter.

(l) A licensed fusion imaging CT technologist shall carry out the practice of fusion imaging CT technology in a manner consistent with this chapter.

(m) No school of nuclear medicine technology subject to this subchapter shall enroll students unless the school is approved by the Department.

(n) No school subject to this subchapter shall hold itself out to be an approved school of nuclear medicine 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 Department.

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

(p) No person shall:

1. Engage in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise, or false pretense while engaged in activities relating to nuclear medicine technology or fusion imaging CT technology or in obtaining a license in those categories;

2. Falsify or make misleading statements on any application for examination or license;
or

3. Make misleading or false statements to a representative of the Department or Commission; or

4. Alter any license or examination results; or

5. Fail to comply with any provision of the Act or any rules or regulations promulgated thereunder; or

6. Engage in the practice of nuclear medicine technology or fusion imaging CT technology while in an intoxicated state or under the influence of narcotics or any drugs which impair or tend to impair consciousness, judgment, or behavior;

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7. Engage in negligence, malpractice, or incompetence while practicing nuclear medicine technology or fusion imaging CT technology;

8. Falsify any records, or destroy or steal property or records, relating to the practice of nuclear medicine technology or fusion imaging CT technology;

9. Fail to exercise due regard for safety, life, or health while engaged in the practice of nuclear medicine technology or fusion imaging CT technology;

10. Violate any condition of a radioactive materials license issued by the Department pursuant to this chapter;

11. Violate any condition and restriction that the Department has placed on his or her nuclear medicine technology license or fusion imaging CT technology license; or

12. Fail to display immediately his or her nuclear medicine technology license or fusion imaging CT technology license, or a true copy thereof, upon request of the Department, employer, or any patient.

7:28-24.4 Scopes of practice

(a) Any person who possesses a valid license pursuant to this subchapter shall exercise proper principles of radiation protection with regard to nuclear medicine and CT procedures.

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

1. Prepare radiopharmaceuticals for administration to humans, administering radiopharmaceuticals to humans;

2. Position patients for examinations that require the administration of radiopharmaceuticals to humans;

3. Set technical factors for examinations that require the administration of radiopharmaceuticals to humans;

4. Operate imaging and/or measuring equipment for examinations that require the administration of radiopharmaceuticals to humans;

5. Acquire and manipulate patient data with or without the use of computers for procedures requiring the administration of radiopharmaceuticals; and

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6. Administer pharmaceuticals, provided that the material and its administration comply with the New Jersey State Board of Medical Examiners rule N.J.A.C. 13:35-6.20.

(c) It is not within the scope of practice of a licensed nuclear medicine technologist to:

1. Prescribe or determine the dosage of any form of radionuclide to a human being; or
2. Apply, administer, determine the dosage of, or order the administration of therapeutic doses of any form of radionuclide to a human being.

(d) Any person who possesses a valid license to practice fusion imaging CT technology issued in accordance with this subchapter may engage in the following activities, which constitute the scope of practice of fusing imaging CT technology:

1. Operate CT equipment as part of fusion imaging procedures;
2. Position patients as part of fusion imaging procedures;
3. Set technique factors and make x-ray exposures as part of fusion imaging procedures;
4. Acquire and manipulate the resultant patient imaging data obtained from a fusion imaging procedure; and
5. Perform attenuation correction.

(e) The Board may authorize a licensed nuclear medicine technologist to perform CT procedures for the purpose of gaining competency in CT for New Jersey licensure in Fusion Imaging CT Technology or national certification, provided:

1. The licensed nuclear medicine technologist submits and the Board approves an educational plan, which shall include a list of clinical prerequisites to be completed, the name and address of the clinical education center, a list of the CT equipment to be used, the names and professional credentials of the individuals who will supervise the licensed nuclear medicine technologist while he or she performs CT procedures in accordance with (e)3 below, and a schedule indicating the beginning and ending dates of the period during which the licensed nuclear medicine technologist will perform CT procedures under the educational plan. The plan shall be signed by both the licensed nuclear medicine technologist and the manager or administrator of the clinical education center;
2. The licensed nuclear medicine technologist has fulfilled the requirements at N.J.A.C. 7:28-24.6(a)1;
3. The licensed nuclear medicine technologist performs CT procedures only while under the direct supervision of a licensed physician, licensed diagnostic radiologic technologist, or a

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licensed fusion imaging CT technologist named in the approved educational plan identified in (e)1 above; and

4. The licensed nuclear medical technologist and clinical education center comply with the terms of the approved educational plan identified in (e)1 above.

7:28-24.5 Examination for licensure of nuclear medicine technologists

(a) Subject to (b) below, the Department shall admit to examination for licensure any applicant who has paid a fee to the Department as specified in N.J.A.C. 7:28-24.11(a) and submitted satisfactory evidence, verified by oath or affirmation, that the applicant:

1. At the time of application is at least 18 years of age; and
2. Has successfully completed four years of secondary school or approved equivalent, at a duly accredited educational institution; and
3. Has successfully completed either a course of study in nuclear medicine technology approved by the Department or an equivalent course of study as determined by the Department, upon the recommendation of the Commission.

(b) The Department may deny an examination application if the applicant has committed any act or omission specified at N.J.A.C. 7:28-24.12(a).

(c) An applicant who fails to pass the examination may reapply in accordance with this section.

(d) Examinations shall be scheduled at the discretion of the Department.

7:28-24.6 Examination for licensure of fusion imaging CT technologists

(a) Subject to the conditions in this section, the Board shall admit to examination for licensure any applicant who is of good moral character, has paid a fee to the Department as specified in N.J.A.C. 7:28-24.11(b), is licensed in nuclear medicine technology pursuant to this subchapter, and has submitted satisfactory evidence, verified by oath or affirmation, that the applicant:

1. Has successfully completed didactic content through educational activities, either in person or on line, that are recognized by the Board, in the following areas:
 - i. Cross sectional anatomy;
 - ii. X-ray physics, which shall include the production of x-rays, and operator radiation protection and shielding;

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iii. Administration of oral and parenteral contrast media and treatment of adverse reactions;

iv. CT scanner design and operation, which shall include the selection of technical factors for both the scout image and patient scan protocols, verification of correct patient positioning on the scout image, setting the start and end scan location, image processing, equipment maintenance, and identification of equipment malfunctions; and

v. Patient safety, which shall include the expected delivered dose for specified procedures, and the technical factors affecting patient dose; and

2. Has competently performed a minimum of 20 fusion imaging CT procedures, including at least two different types of fusion imaging procedures, such as total body, cardiac, or brain.

(b) The Board may deny an examination application if the applicant has committed any act or omission specified at N.J.A.C. 7:28-24.12(b).

(c) An applicant who fails the examination may reapply in accordance with this section.

(d) Any person who has failed the examination three times shall not be permitted to take the examination a fourth time until the 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.

(e) After the fourth failure, the person may not retake the examination until that person has submitted proof that he or she has recompleted the requirements of (a)1 and 2 above.

(f) Examinations shall be offered at the discretion of the Board.

7:28-24.7 Nuclear medicine technologist licenses

(a) The Department may issue a license to any applicant who is at least 18 years of age and has paid a fee to the Department as specified in N.J.A.C. 7:28-24.11(a) and who has submitted satisfactory evidence, verified by oath or affirmation, that the applicant:

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1. Has within three years of the date of application passed a nuclear medicine technology examination administered by the American Registry of Radiologic Technologists, Nuclear Medicine Technology Certification Board or American Society of Clinical Pathologists, or another examination approved by the Commission;

2. Holds a current certificate, registration, or license as a nuclear medicine technologist issued by another state or country or by any of the organizations named in (a)1 above and has engaged in the practice of nuclear medicine technology for at least 1,000 hours during the preceding three years in a manner consistent with this chapter; however, such acceptance shall be conditioned upon the certification, registration, or licensure standards in the other state or country being equivalent and satisfactory to the Commission; or

3. Has passed, more than three years prior to the application for a license, a nuclear medicine technology examination approved by the Commission, and has legally engaged in the practice of nuclear medicine technology for at least 1,000 hours during the three years preceding the application for a license in a manner consistent with this chapter.

(b) The Department may deny a license application if the applicant has committed any act or omission specified at N.J.A.C. 7:28-24.12(a).

7:28-24.8 Fusion imaging CT technologist licenses

(a) The Board may issue a license to any applicant who is of good moral character, licensed in nuclear medicine technology pursuant to this subchapter, has paid a fee to the Department as specified in N.J.A.C. 7:28-24.11(b), and has submitted satisfactory evidence, verified by oath or affirmation, that the applicant:

1. Is currently certified in CT by either the American Registry of Radiologic Technologists or Nuclear Medicine Technology Certification Board;

2. Has passed the CT examination of the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board, or the Board, or an equivalent examination as determined by the Board, within five years prior to the date of the initial license application. If the applicant passed an approved examination more than five years prior to the application, the applicant must provide documentation that he or she has competently engaged in the practice of fusion imaging CT technology for at least 500 hours during the three years preceding the application; or

3. Holds a current certificate, registration, or license as a fusion imaging CT technologist issued by another state, provided the Board determines that the other state's standards are equivalent to those of the Board.

(b) The Board may deny a license application if the applicant has committed any act or omission as specified in N.J.A.C. 7:28-24.12(b).

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7:28-24.9 Conditional and restricted licenses

(a) The Department, at its discretion, may issue a conditional or restricted license including, but not limited to, a condition or restriction limiting the scope of practice of a licensed nuclear medicine technologist.

(b) The Board, at its discretion, may issue a conditional or restricted license including, but not limited to, a condition or restriction limiting the scope of practice of a licensed fusion imaging CT technologist.

(c) No person who possesses a conditional or restricted license shall practice outside of the conditions or restrictions as listed on the license.

7:28-24.10 License expiration and license renewal

(a) No nuclear medicine technologist shall practice without a valid New Jersey nuclear medicine technology license, and no fusion imaging CT technologist shall practice without a valid New Jersey fusion imaging technology license.

(b) A nuclear medicine technologist or fusion imaging CT technologist shall inform the Department of any change in the address of record within 30 calendar days of the change.

(c) In order to maintain a valid license, a nuclear medicine technologist or fusion imaging CT technologist shall renew his or her license biennially by submitting a renewal application for the applicable license and the required renewal fee specified in N.J.A.C. 7:28-24.11.

(d) Each license expires on December 31 of the first even numbered year following the year of its issuance. A license may be renewed for a biennial term commencing January 1 of every odd numbered year and expiring on December 31 of the following year.

(e) A renewal application may be denied if the applicant has committed any act or omission specified in N.J.A.C. 7:28-24.12.

(f) A nuclear medicine technologist or fusion imaging CT technologist who possesses an expired license may renew the license, provided that the license has not been expired for more than five years. An individual who wishes to renew an expired license shall submit a renewal application and the current renewal fee to the Department. Such licenses shall be renewed for a period extending from date of renewal to midnight, December 31 of the next even numbered year.

(g) A nuclear medicine technologist who possesses a license that has been expired for more than five years may not have that license renewed, but may apply for a new license through

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re-examination and other applicable requirements for initial license applications at N.J.A.C. 7:28-24.5 or, if applicable, at N.J.A.C. 7:28-24.7.

(h) A fusion imaging CT technologist who possesses a license that has been expired for more than five years may not have that license renewed, but may apply for a new license through re-examination and other applicable requirements for initial license applications at N.J.A.C. 7:28-24.6 or, if applicable, at N.J.A.C. 7:28-24.8.

7:28-24.11 Fees

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

1. Examination application fee: \$75.00;
2. Initial license application fee: \$40.00;
3. Biennial license renewal fee: \$40.00.

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

1. Examination application fee: \$75.00;
2. Initial license application fee: \$40.00;
3. Biennial license renewal fee: \$40.00.

(c) All fees shall be in the form of a check or money order made payable to the Treasurer, State of New Jersey, or any other manner acceptable to the Department, as identified on the relevant application or renewal form.

1. The fees submitted to the Department are not refundable and not transferable.
2. All examination and initial license applications and associated fees shall be mailed to:

State of New Jersey
Department of Environmental Protection
Bureau of X-ray Compliance
PO Box 420 MC 25-01
Trenton, New Jersey 08625-0420

3. All biennial license renewal applications and associated fee shall be mailed to:

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State of New Jersey
Department of Treasury
Division of Revenue
PO Box 417
Trenton, New Jersey 08625-0417

7:28-24.12 Examination application or license application denial, license revocation and suspension, and sanctions

(a) The Department, in addition to any penalties authorized by the Act, may deny any examination or license application, and may revoke or suspend a nuclear medicine technology license, when the applicant or licensed nuclear medicine technologist has:

1. Violated any of the provisions of this subchapter, or the Act;
2. Been convicted of, any crime which relates, or could relate, adversely to the practice of nuclear medicine technology. For the purpose of this section, a plea of guilty, non vult, no contest, or any other such disposition of alleged criminal activity shall be deemed a conviction;
3. Has been admitted to a pre-trial intervention program or the substantial equivalent thereof based upon alleged conduct which relates, or could relate, adversely to the practice of nuclear medicine technology;
4. Has had his/her certification, registration, or license to practice nuclear medicine technology revoked or suspended by any other state or certifying agency for reasons consistent with this chapter; or
5. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the health, safety and welfare of the public.

(b) The Board, in addition to any penalty authorized by the Act, may, upon learning of any of the acts or omissions listed in (b)1 through 13 below, deny admission to any examination; deny an application for a license in fusion imaging CT technology; revoke or suspend the license of a fusion imaging CT technologist for a fixed period; and censure, reprimand, or otherwise discipline the technologist in accordance with the provisions and procedures set forth in the Radiologic Technologist Act, N.J.S.A. 26:2D-24 et seq.:

1. Violation of any of the provisions of this subchapter or the Act;
2. Conviction of any crime that reasonably relates to fusion imaging CT 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;

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3. Revocation or suspension of a certification, registration, or license to fusion imaging CT technology or censure or reprimand by any other state or certifying agency for reasons consistent with this subchapter;
4. Dishonesty, fraud, deception, misrepresentation, or falsification in:
 - i. Fusion imaging CT technology or in documenting compliance with the Radiation Protection Act, the Radiologic Technologist Act, or this chapter;
 - ii. Obtaining a fusion imaging CT technology license, including taking the examination and completing the required education and training;
 - iii. Statements on any fusion imaging CT technology application for examination or license;
 - iv. Statements or documentation regarding the status of any national certification relating to the field of computed technology;
 - v. Statements made to a representative of the Department or Board; or
 - vi. Any records relating to the practice of fusion imaging CT technology;
5. Altering any fusion imaging CT technology license or examination results;
6. Practicing fusion imaging CT technology or reporting to work as a fusion imaging CT technologist while under the influence of alcohol or a Controlled Dangerous Substance as defined in the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1 et seq.;
7. Acting in a negligent or incompetent manner relating to fusion imaging CT technology;
8. Maliciously destroying or stealing property or records relating to the practice of fusion imaging CT technology;
9. Failing to exercise due regard for safety, life, or health while engaged in the practice of fusion imaging CT technology;
10. Violating any term limitation, condition, or restriction that the Board has placed on his or her fusion imaging CT technology license;
11. Failing to comply with any State or Federal law or regulation regarding the confidentiality of a patient's medical or dental information;
12. Impersonating a licensed fusion imaging CT technologist;

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13. Discriminating in the practice of fusion imaging CT technology as defined in Section 3 of New Jersey Law Against Discrimination, N.J.S.A. 10:5-3, as supplemented or amended.

(c) There is a rebuttable presumption that a person who has been determined by the Board to have committed an act or omission listed in (b) above or has been convicted of a crime involving moral turpitude does not meet the standard of good moral character. A person may rebut the presumption by demonstrating to the Board's satisfaction that he or she is of good moral character.

(d) This subchapter shall not in any way affect or abridge the powers of the Department to issue emergency orders pursuant to N.J.S.A. 26:2D-12 or to bring an action in Superior Court, pursuant to N.J.S.A. 26:2D-13).

7:28-24.13 School of nuclear medicine technology; standards

(a) In order to be approved by the Department in accordance with N.J.A.C. 7:28-24.14, a school of nuclear medicine technology shall be accredited by JRCNMT, or by an accreditation agency that the Department determines is equivalent, and shall maintain that accreditation.

(b) The school's curriculum shall comply with JRCNMT's standards, or standards that the Department determines are equivalent, and include a valid plan for competency-based clinical education as follows:

1. Nuclear medicine students shall:

i. Perform nuclear medicine procedures under the direct supervision of a licensed nuclear medicine technologist until a school instructor determines that the student has achieved competency in that procedure; and

ii. Perform nuclear medicine procedures for which the student has demonstrated competency in accordance with (b)1i above under either the direct or indirect supervision of a licensed nuclear medicine technologist, as provided in the school's curriculum.

2. Students who perform CT procedures as part of the school's curriculum shall perform these procedures under the direct supervision of a licensed physician or a licensed diagnostic radiologic technologist, or a licensed fusion imaging CT technologist if the CT procedure is part of a fusion imaging procedure.

(c) Neither the school nor its clinical education centers shall assign students to clinical education rotations in such a manner as to substitute for licensed technologists.

(d) The school shall assign students only to clinical education centers that are approved by the Department.

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(e) The school shall not have more than two consecutive calendar years in which the pass rate for students taking the American Registry of Radiologic Technologists or Nuclear Medicine Technology Certification Board examination for the first time is below 75 percent.

(f) The school shall forward to the Department a copy of its annual examination report from the American Registry of Radiologic Technologists or Nuclear Medicine Technology Certification Board within 15 calendar days of receipt of the report.

(g) The school shall inform the Department within 15 calendar days after any change that could adversely affect the school's ability to fulfill its responsibility to provide students with appropriate didactic and laboratory instruction and clinical assignments. Such changes include, but are not limited to, a change in status or loss of any official or faculty member, the loss of a clinical education center, a change in the school's curriculum, the sequencing of courses or length of the program, or a change in the sponsorship of the program.

(h) The school shall notify the Department of any change in its accreditation status and the reason for such change no later than seven calendar days after the school is notified of the change in its accreditation status.

(i) The school shall provide the Department in writing the name and address of each new student enrolled in the school's course of study in nuclear medicine technology no later than 30 calendar days after the student's enrollment. The school shall provide the Department in writing the name and address of each student who has successfully completed the school's course of study in nuclear medicine technology no later than 30 calendar days after the student completes the course of study.

(j) The school shall provide all students with whole body and finger radiation monitoring devices and ensure that the devices are worn during all times when students are in a controlled area. Student exposure to radiation shall not exceed the occupational limits and, if applicable, the embryo-fetus exposure limit prescribed in the standards for protection against radiation at N.J.A.C. 7:28-6.1. In the event that a student or embryo-fetus receives an exposure that exceeds the exposure limit, the school shall, within seven calendar days, notify the Department.

(k) The school, including its clinical education centers, shall:

1. Permit the Department to conduct site inspections;
2. Make available to the Department 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 Department that it complies with the requirements of this subchapter.

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7:28-24.14 School of nuclear medicine technology; process for approval and termination

(a) In order to be approved by the Department, a school of nuclear medicine technology shall submit to the Department a complete application, which shall include:

1. The name, address, and contact information of the school;
2. The name and credentials of the program director;
3. The name and address of all clinical education centers;
4. A copy of the school's accreditation letter from JRCNMT or an equivalent accreditation agency;
5. Copies of policies governing the supervision of students that comply with N.J.A.C. 7:28-24.13(b);
6. The last three annual examination reports of the school's nuclear medicine technology graduates' first-time examination performance on the American Registry of Radiologic Technologists or Nuclear Medicine Technology Certification Board. A school that has graduated students for less than three years shall submit the most recent annual examination reports, if any; and
7. A written statement permitting Department inspection pursuant to N.J.A.C. 7:28-24.13(k).

(b) The Department shall approve the application if it determines that the school has complied with this subchapter.

(c) Any change to the information contained in school's approved application shall be reported to the Department within 15 calendar days after the change.

(d) A school whose application has been denied shall be notified by letter, via certified mail, which shall contain the findings that resulted in the denial.

(e) Schools that are approved by the Department on or before (one day prior to the operative date of the rules) are deemed approved.

(f) In order to maintain approval, the school shall comply with the requirements of this subchapter.

(g) A school may have its approval terminated by the Department for failure to comply with this subchapter. The Department shall notify the school via certified mail. The notice shall include the findings that led to the termination and specify the effective date of the termination.

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7:28-24.15 List of approved schools

A list of approved schools of nuclear medicine technology and their approval status shall be available from the Department, and may be obtained by contacting the Department. (See N.J.A.C. 7:28-24.11(d)2 for the Department's address.)

7:28-24.16 Adjudicatory hearings

(a) Subject to the limitation on third-party hearing rights at (e) below, an applicant for examination, initial license, or license renewal; a licensed technologist; a school of nuclear medicine technology; or any person aggrieved by any Department or Board finding or administrative order may contest the finding or administrative order and request an adjudicatory hearing. The request shall be made in writing to the Department at the address at (d) below no later than 20 calendar days after receipt of the Department's or Board's findings or administrative order. The person or school requesting the hearing shall include the following information in each hearing request:

1. The name, address, and telephone number of the person or school and any authorized representative;
2. The date the person or school received the Department's or Board's finding;
3. A copy of the finding or administrative order giving rise to the request for a hearing, and a list of all issues being appealed;
4. The defenses to each of the Department's or Board's findings of fact, stated in short and plain terms;
5. An admission or denial of each of the Department's or Board's findings. If the person or school is without knowledge or information sufficient to form a belief as to the truth of a finding, the person or school 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 or school intends in good faith to deny only a part or a qualification of a finding, the person or school shall specify so much of it as is true and material and deny only the remainder. The person or school may not generally deny all of the findings, but shall make all denials as specific denials of designated findings. For each finding the person or school denies, the person or school shall state the fact or facts as the person or school 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.

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

1. The person or school requesting the hearing fails to include all of the information required in (a) above; or
2. The Department does not receive the request in the time specified in (a) above.

(c) The Department shall conduct all adjudicatory hearings in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) Requests for adjudicatory hearings shall be sent to:

New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Hearing Request
401 East State Street, 7th Floor
Mail Code 401-04L
PO Box 402
Trenton, New Jersey 08625-0402; and

New Jersey Department of Environmental Protection
Bureau of X-ray Compliance
Attention: Hearing Request
Mail Code 25-01
PO Box 420
Trenton, New Jersey 08625-0420

(e) 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.

7:28-24.17 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.