



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)
WAC 246-254-053 Radiation Machine Facility Registration Fees

Hearing location(s): Department of Health
Town Center 3, Room 224
243 Israel Road SE
Tumwater, WA 98501

Date: 05/30/2008

Time: 9:30 a.m.

Submit written comments to:

Name: Ellen G. Haars, Ph.D.
Address: P O Box 47827
Olympia, WA 98504-7827
Website: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-2266 by (date) 05/30/2008

Assistance for persons with disabilities: Contact

Phyllis Hurtado by 05/23/2008

TTY (800) 833-6388 or () 711

Date of intended adoption: 05/30/2008

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The Department of Health is required under RCW 70.98.080 to regulate sources of ionizing radiation to protect the public health and safety. The X-ray Program is a fee-supported regulatory program which registers and inspects approximately 6,000 X-ray facilities in Washington State. The facilities include hospitals, chiropractors, dentists, podiatrists, veterinarian, correctional, and industrial businesses. This proposed rule change increases registration fees for X-ray facilities by approximately 31.2% to meet the anticipated costs of the X-ray Program, including the costs of inspections.

Reasons supporting proposal:

The Department of Health is authorized under RCW 43.20B.020, 43.70.110, and 43.70.250 to charge registration fees to businesses operating X-ray machines that are sufficient to cover the full cost of administering the program. The fee must be based on the cost to the Department of regulating the activity including the costs of inspections. The proposed fees are authorized by the Health Professions and Facility Fees Addendum DOH 2008 in the Conference Operating Budget as referenced in ESHB 2687.

Statutory authority for adoption:

RCW 70.98.080, 43.20B.020, 43.70.250, and 43.70.110

Statute being implemented:

RCW 70.98.080, 43.20B.020, 43.70.250, and 43.70.110

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE

NAME (type or print)

Mary C. Selecky

SIGNATURE

TITLE

Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 16, 2008

TIME: 7:20 PM

WSR 08-09-078

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

none at this time

Name of proponent: (person or organization) Department of Health

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Ellen G. Haars, Ph.D.	111 Israel Road SE, Tumwater, WA 98501	360-236-3231
Implementation.... Ellen G. Haars, Ph.D.	111 Israel Road SE, Tumwater, WA 98501	360-236-3231
Enforcement..... Ellen G. Haars, Ph.D.	111 Israel Road SE, Tumwater, WA 98501	360-236-3231

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

Under RCW 19.85.025(3), rules that set or adjust fees pursuant to legislative standards are exempt from the requirement to prepare a Small Business Impact Statement.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: Under RCW 34.05.328(5)(b)(vi), rules that set or adjust fees pursuant to legislative standards are exempt from the requirement to prepare a Cost Benefit Analysis.

AMENDATORY SECTION (Amending WSR 07-14-130, filed 7/3/07, effective 8/3/07)

WAC 246-254-053 Radiation machine facility registration fees.

(1) Radiation machine facility fees apply to each person or facility owning, leasing or using radiation-producing machines. The annual facility fee consists of the base registration fee and a per tube charge, where applicable.

(a) Radiation Machine Facility Fees		
Type of Facility	Facility Base Fee	Added Fee per Tube
(i) Dental, podiatric, veterinary uses	\$ ((102)) <u>134</u>	See following table
(ii) Hospital, medical, chiropractic uses	\$ ((158)) <u>207</u>	See following table
(iii) Industrial, research, educational, security, or other facilities	\$ ((140)) <u>184</u>	See following table
(iv) Mammography only	\$ ((68)) <u>89</u>	N/A
(v) Bone densitometry only	\$ ((68)) <u>89</u>	N/A
(vi) Electron microscopes only	\$ ((68)) <u>89</u>	N/A
(vii) Bomb squad only	\$ ((68)) <u>89</u>	N/A
(viii) Radiation safety program as specified in subsection (3) of this section	\$ ((4,441)) <u>5,827</u>	N/A

(b) Radiation Machine Tube Fees	
Type of Tube	Added Fee per Tube
(i) Dental (intraoral, panoramic, cephalometric, dental radiographic, and dental CT)	\$ ((35)) <u>46</u>

(b) Radiation Machine Tube Fees	
Type of Tube	Added Fee per Tube
(ii) Veterinary (radiographic, fluoroscopic, portable, mobile)	\$((35)) <u>46</u>
(iii) Podiatric uses (radiographic, fluoroscopic)	\$((35)) <u>46</u>
(iv) Mammography	N/A
(v) Bone densitometry	N/A
(vi) Electron microscope	N/A
(vii) Bomb squad	N/A
(viii) Medical radiographic (includes R/F combinations, fixed, portable, mobile)	\$((+00)) <u>131</u>
(ix) Medical fluoroscopic (includes R/F combinations, C-arm, Simulator, fixed, portable, mobile)	\$((+00)) <u>131</u>
(x) Therapy (Grenz Ray, Orthovoltage, nonaccelerator)	\$((+00)) <u>131</u>
(xi) Accelerators (therapy, other medical uses)	\$((+00)) <u>131</u>
(xii) Computer tomography (CT, CAT scanner)	\$((+00)) <u>131</u>
(xiii) Stereotactic (mammography)	\$((+00)) <u>131</u>
(xiv) Industrial radiographic	\$((35)) <u>46</u>
(xv) Analytical, X-ray fluorescence	\$((35)) <u>46</u>
(xvi) Industrial accelerators	\$((35)) <u>46</u>
(xvii) Airport baggage	\$((35)) <u>46</u>
(xviii) Cabinet (industrial, security, mail, other)	\$((35)) <u>46</u>
(xiv) Other industrial uses (includes industrial fluoroscopic uses)	\$((35)) <u>46</u>

(2) X-ray shielding fees.

(a) Facilities regulated under the shielding plan requirements of WAC 246-225-030 or 246-227-150 are subject to a \$((~~255~~)) 344 X-ray shielding review fee for each X-ray room plan submitted((~~-~~)); or

(b) A registrant may request an expedited plan review for ((~~an additional \$500~~)) \$1000 for each X-ray room plan. Expedited plan means the department will complete the plan review within two

business days of receiving all required information from the registrant.

~~((b))~~ (c) If a facility regulated under WAC 246-225-030 or 246-227-150 operates without submittal and departmental ~~((approval))~~ review of X-ray shielding calculations and a floor plan it will be subject to a shielding design follow-up fee of ~~\$(500)~~ 656.

(3) **Radiation safety fee.** If a facility or group of facilities under one administrative control employs two or more full-time individuals whose positions are entirely devoted to in-house radiation safety, the facility shall pay a flat, annual fee as specified in subsection (1)(a)(viii) of this section.

(4) **Consolidation of registration.** Facilities may consolidate X-ray machine registrations into a single registration after notifying the department in writing and documenting that a single business license applies to all buildings, structures and operations on one contiguous site using or identified by one physical address location designation.

(5) **Inspection fees.**

(a) The cost of routine, periodic inspections, including the initial inspection, are covered under the base fee and tube registration fees as described in subsection (1) of this section.

(b) Facilities requiring follow-up inspections due to uncorrected noncompliances must pay an inspection follow-up fee of ~~\$(90)~~ 118 for each reinspection required.

(6) A facility's annual registration fee is valid for a specific geographical location and person only. It is not transferable to another geographical location or owner or user.