



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. Proposed reduction in certain x-ray registration fees.

Hearing location(s): Department of Health
 Town Center 1, Room 163
 101 Israel Road SE
 Tumwater, WA 98504

Date: November 16, 2010

Time: 2:00 p.m.

Submit written comments to:

Name: Traci Black
 Address: Department of Health
 Office of Radiation Protection
 Post Office Box 47827
 Olympia, WA 98504-7827

Website: <http://www3.doh.wa.gov/policyreview/>
 fax 360-236-2255 by (date) 11/16/2010

Assistance for persons with disabilities: Contact

Sharon Grundhoffer by 11/09/2010

TTY (800) 833-6388 or () 711

Date of intended adoption: 11/17/2010

(Note: This is NOT the effective date)

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

The proposed rule reduces registration fees for certain radiation machine facilities and tubes to reflect current program costs.

Reasons supporting proposal:

Under RCW 43.70.250, it is the policy of the state of Washington that the cost of professional, occupational, and business licensing programs be fully borne by the members of that profession, occupation, or business.
 Due to the current economic climate, vacancies have not been filled and equipment and other expenditures have not been made.
 This has resulted in a need to reduce fees to match current program costs.

Statutory authority for adoption:

RCW 43.70.250, 43.20B.020, 70.98.080, 43.70.110

Statute being implemented:

RCW 43.70.250, 43.20B.020, 70.98.080, 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 10/01/10

NAME (type or print)

Mary C. Selecky

SIGNATURE

TITLE

Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: October 01, 2010

TIME: 2:39 PM

WSR 10-20-115

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

None.

Name of proponent: (person or organization)

98504

Department of Health, 111 Israel Road SE Tumwater, WA

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Traci Black	111 Israel Rd SE, Tumwater, WA 98501	360-236-3259
Implementation.... Andrew Thatcher	111 Israel Rd SE, Tumwater, WA 98501	360-236-3231
Enforcement..... Andrew Thatcher	111 Israel Rd 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.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(f), a SBEIS is not required for proposed rules that set or adjust fees or rates pursuant to legislative standards.

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: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

AMENDATORY SECTION (Amending WSR 08-14-118, filed 6/30/08, effective 7/31/08)

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	\$ ((134)) <u>113</u>	See following table
(ii) Hospital, medical, chiropractic uses	\$207	See following table
(iii) Industrial, research, educational, security, or other facilities	\$ ((184)) <u>113</u>	See following table
(iv) Mammography only	\$89	N/A
(v) Bone densitometry only	\$89	N/A
(vi) Electron microscopes only	\$89	N/A
(vii) Bomb squad only	\$89	N/A
(viii) Radiation safety program as specified in subsection (3) of this section	\$5,827	N/A

(b) Radiation Machine Tube Fees	
Type of Tube	Added Fee per Tube
(i) Dental (intraoral, panoramic, cephalometric, dental radiographic, and dental CT)	\$ ((46)) <u>28</u>

(b) Radiation Machine Tube Fees	
Type of Tube	Added Fee per Tube
(ii) Veterinary (radiographic, fluoroscopic, portable, mobile)	\$46
(iii) Podiatric uses (radiographic, fluoroscopic)	\$46
(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)	\$131
(ix) Medical fluoroscopic (includes R/F combinations, C-arm, Simulator, fixed, portable, mobile)	\$131
(x) Therapy (Grenz Ray, Orthovoltage, nonaccelerator)	\$131
(xi) Accelerators (therapy, other medical uses)	\$131
(xii) Computer tomography (CT, CAT scanner)	\$131
(xiii) Stereotactic (mammography)	\$(131) <u>113</u>
(xiv) Industrial radiographic	\$46
(xv) Analytical, X-ray fluorescence	\$46
(xvi) Industrial accelerators	\$46
(xvii) Airport baggage	\$(46) <u>28</u>
(xviii) Cabinet (industrial, security, mail, other)	\$(46) <u>28</u>
((xiv)) <u>(xix)</u> Other industrial uses (includes industrial fluoroscopic uses)	\$(46) <u>28</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 \$344 X-ray shielding review fee for each X-ray room plan submitted; or

(b) A registrant may request an expedited plan review for \$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.

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