

Small Business Economic Impact Statement (SBEIS) Determination

Chapter 19.85 RCW, Regulatory Fairness Act

Section 1. What is the scope of the proposed rule package?

This proposed rule establishes criteria for the use of hand-held dental X-ray equipment. It amends existing requirements for quality assurance testing, safelights, and film and screen use. It also proposes new definitions and editorial changes for clarification and consistency with existing requirements.

At the public hearing for the original adoption of Chapter 246-225A WAC, Radiation Safety and Diagnostic Image Quality Standards for Dental Facilities, the Department of Health (department) agreed to review the regulations regarding the use of hand-held dental X-ray equipment. Currently these devices are only allowed under a variance. The department's recent testing of hand-held X-ray equipment from several manufacturers determined this equipment can be used safely when specific dose rate criteria and operator requirements are met. These proposed changes promote better patient care and lower cost in Washington without posing a higher risk of harm to the operator or patient.

Based on inspection results and feedback from registrants and stakeholders, the department proposes to modify the requirement for weekly quality assurance (QA) testing of dental X-ray film processors. Chapter 246-225A WAC currently requires all dental registrants to perform weekly QA testing. However, department inspections show the majority of dental registrants process film effectively, and do not need to perform quality assurance testing. The proposed QA requirements apply only to those facilities with inadequate film processing.

The current text is very specific about wattage and placement of safelights used in dental darkrooms. Improper bulb wattage or placement could create fogging of the film which detracts from the diagnostic quality and requires more exposure to achieve an adequate image. Because image clarity is affected by multiple factors including bulb wattage and placement, light leaks into the darkroom, and lights from equipment in the darkroom, the proposed rule replaces prescriptive bulb requirements with performance based requirements for image clarity.

The proposed rule also adds requirements for film and screen use. Some dental facilities continue to use damaged or dirty screens, film that is not compatible with the screens, or film beyond its expiration date. This can result in poor image quality. These discrepancies are addressed during inspections under the general authority in WAC 246-225-020(2)(L). The proposed rule adds clarity to Chapter 246-225A WAC.

Section 2. Which businesses are impacted by the proposed rule package? What are their North American Industry Classification System (NAICS) codes? What are their minor cost thresholds?

NAICS Code (4, 5 or 6 digit)	NAICS Business Description	# of businesses in WA	Minor Cost Threshold = 1% of Average Annual Payroll	Minor Cost Threshold = .3% of Average Annual Receipts
6212	Office of Dentists	3,223	\$3,150	\$2,351

Section 3. What is the range of cost per business of the proposed rule?

Cost Category	Description	Cost
Reporting		0
Record Keeping		0
Training		0
Professional Services (e.g., engineers, lawyers)		0
Equipment (type)	X-Ray screen (\$80 - \$155/screen)	\$125.00
Supplies (type, amount)	X-ray film (\$25 - \$40/box)	\$35.00
Labor (show hours multiplied by cost per hour)		0
Administration		0
Lost Sales or Revenue		0
Other		0
Total Average Cost		\$160.00

Section 4. Does the rule impose more than minor costs on impacted businesses?

Average cost per business \$160.00 (from Section 3)
 Minor cost threshold- 1% payroll \$ 3,150 (from Section 2)
 Minor cost threshold- 3/10% of receipts \$ 2,351 (from Section 2)

Does the average cost per business exceed both of the minor cost thresholds? (Yes or No)

Section 5. Does the rule have a disproportionate impact on small businesses?

Cost Category	Small businesses ¹	All Large businesses	Largest 10% of “Large” businesses ²	Total
I. Number of businesses (NAICS-Minor Cost Threshold Spreadsheet on Rules Webpage)	3,217	6	1	3,224
II. Cost per business (A+B+C)	\$160.00	\$160.00	\$160.00	
A. Reporting	0	0	0	
B. Record Keeping	0	0	0	
C. Compliance Costs				
C1. Professional Services	0	0	0	
C2. Equipment	\$125.00	\$125.00	\$125.00	
C3. Supplies	\$35.00	\$35.00	\$35.00	
C4. Labor	0	0	0	
C5. Administration	0	0	0	
C6. Lost Sales or Revenue	0	0	0	
C7. Training	0	0	0	
C8. Other	0	0	0	
III. Total Costs (I*II)	\$514,720.00	\$960.00	\$160.00	\$515,840.00
IV. Number of employees per business (NAICS-Minor Cost Threshold Spreadsheet on Rules Webpage)	49	99	175	
V. Total number of employees (I*IV)	157,633	594	175	158,402
VI. Cost of rule per employee (III/V)	\$3.27	\$1.62	\$0.91	\$3.25

Is the average cost per employee for small businesses more than the average cost per employee for the largest businesses? (Yes or **No**) If it is, we will have to show how we mitigate this disparity, if possible.

¹ When estimating costs for small businesses, if you think that there will be a difference in costs for different sized small businesses (e.g., 1-5, 6-20, 21-50, etc.), you may want to provide costs estimates for the different size categories.

²The statute requires us to compare the cost for the average small business compared to the cost for 10% of the “largest” large businesses. You may want to estimate costs for all large businesses in addition to the subset of largest 10% of large businesses.