

Date: June 3, 2016

TO: Interested Parties

FROM: David Howe, Section Manager
Radiation Protection Services

RE: Notice of Proposed Rulemaking for OAR chapter 333, divisions 101, 102, 103, 106, 106, 116, and 125 – "Update of Radiation Protection Service's X-ray and radioactive materials program administrative rules"

The Oregon Health Authority, Public Health Division, Center for Health Protection is proposing to amend and repeal Oregon Administrative rules relating to the X-ray and radioactive materials programs within the Radiation Protection Services (RPS) section. The Radioactive Materials Licensing (RML) program is proposing to amend rules for compatibility with the Nuclear Regulatory Commission's regulations 10 CFR parts 20 through 71 within divisions 102 and 125 by correcting rule references within Oregon Administrative Rules pertaining to material safety and security.

RML is amending rules relating to licensing fees within division 103. RPS projected that all licensees would need to have a 25% fee increase in order to remain solvent during the 2015-2017 biennium. During the 2015 Legislative Assembly, Senate Bill 228 was passed, authorizing the Oregon Health Authority to raise the licensing fee cap to \$5,000, and allowing RPS to amend administrative rules to address the disproportionate fee increase among RPS's licensees. Proposed rulemaking will affect specific licensees who were near or at the \$3,000 fee cap during the 2013-2015 biennium. Fee increases will range for 15% to 25% accordingly.

In addition, the RML program is proposing to repeal rules relating to the definition and reporting of misadministration and repealing the requirement to complete an additional 40 hours of training at an accepted positron emission tomography training center. The RML program is also amending the administrative rules to require that a specific license application be submitted with a non-refundable fee.

The X-ray program is amending rules in division 106 by adding language to the definition that will allow a physician to provide diagnostic or therapeutic use of X-rays by being eligible for the American Board of Radiology exam, and allowing an out of state licensed physicians to practice the healing arts without being licensed in Oregon. Division 101 is being amended to require an X-ray registrant to submit a non-refundable fee with the registration application.

Within division 106, administrative rule will be amended allowing physician assistants who have obtained a fluoroscopy permit issued by the Oregon Board of Medical Imaging to activate the fluoroscopic tube. The X-ray program is also repealing rules that required the operator of an Authority approved hand-held X-ray device to wear a protective apron.

You are being invited to review and comment on the proposed rules. **If you wish to present oral testimony, a public hearing will be held in Portland, Oregon at 800 NE Oregon St, Room 612, on July 22, 2016 at 10:00 a.m. You may also file written comments before 5:00 p.m. on July 28, 2016** by submitting them to the Public Health Division Rules Coordinator at the following address:

OHA, Public Health Division
Tracy Candela, Administrative Rules Coordinator
800 NE Oregon Street, Suite 930
Portland, Oregon 97232

E-mail comments to: brittany.a.sande@state.or.us. You may also send comments by fax to (971) 673-1299.

Final rules will be filed after consideration of all comments.

For more details, please see the Notice of Proposed Rulemaking, Statement of Need and Fiscal Impact, and the full text of the proposed rules at the following website: <https://public.health.oregon.gov/HealthyEnvironments/RadiationProtection/Pages/proposedchanges.aspx>

If you have any questions or would prefer a hardcopy be sent, please contact Todd Carpenter at (971) 673-0500 or todd.s.carpenter@state.or.us

Commented [So01]: This was the website used last time. Please confirm that it will be the right one for this rulemaking.