

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

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Oregon Health Authority, Public Health Division
Agency and Division

333
Administrative Rules Chapter Number

Tracy Candela

(971) 673-0561

Rules Coordinator

Telephone

Oregon Health Authority, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Address

RULE CAPTION

X-ray operator requirements, repeal of leaded apron, licensing fee increase and corrections to rule references

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
7-22-16	10:00 a.m.	800 NE Oregon Street, Conference Room 612, Portland, OR, 97232	Jana Fussell

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

333-101-0005, 333-102-0005, 333-102-0102, 333-102-0104, 333-102-0190, 333-103-0010, 333-106-0005, 333-106-0035, 333-106-0205, 333-106-0325, 333-106-0710, 333-116-0020, 333-116-0125, 333-116-0640, 333-116-0720, 333-116-0905, 333-0910, 333-116-1000, 333-125-0060, 333-125-0100, 333-125-0120, 333-125-0180

REPEAL:

333-116-0130 & 333-116-1010

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 453.605 - 453.807

Other Authority:

Nuclear Regulatory Commission's (NRC) 10 CFR Parts 20 through 71

Statutes Implemented:

ORS 453.605 - 453.807

RULE SUMMARY

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 division 102 and 125 by correcting rule references within Oregon Administrative Rules pertaining to material safety and security and raise selected license types licensing fees between 15% to 25% accordingly in division 103.

RML and X-ray programs are also amending administrative rules for specific licenses and X-ray applications. Application fees will only be refundable if the application is withdrawn within 10 calendar days of receipt by the Authority.

The RML program also proposes to repeal rules relating to the definition and reporting of misadministration within division 116.

The X-ray program is amending rules in divisions 101 and 106 by adding language to the definition that will allow a physician to provide diagnostic use of X-rays by being eligible for the American Board of Radiology exam. In addition, amended rules will allow an out of state

licensed physician to practice the healing arts without being licensed in Oregon and allow for physician assistants to operate a fluoroscopy unit if the operator possess a permit issued by the Oregon Board of Medical Imaging.

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 and thyroid collar.

Amended rules for both the X-ray and RML programs will require the registrant and licensee to submit a non-refundable fee with the registration or licensing application.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

<u>07-28-2016 5:00 p.m.</u>	<u>Tracy Candela</u>	<u>tracy.candela@state.or.us</u>
Last Day (<i>m/d/yyyy</i>) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.