

**ADOPTED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R148-03

Effective December 3, 2003

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 439.150 and 457.065.

Section 1. NAC 457.295 is hereby amended to read as follows:

457.295 The Health Division shall charge and collect the following nonrefundable fees:

1. For the issuance or renewal of a certificate for a machine, \$500.
2. For the issuance or renewal of a mammographer's certificate, ~~[\$40.]~~ *\$80.*
3. For the issuance *or renewal* of a certificate to provide training to mammographers

pursuant to NAC 457.357, \$100.

~~[4.—For the annual renewal of a certificate to provide training to mammographers pursuant to
NAC 457.357, \$50.]~~

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R148-03**

The State Board of Health adopted regulations assigned LCB File No. R148-03 which pertain to chapter 457 of the Nevada Administrative Code on October 24, 2003.

Notice date: 9/24/2003 & 10/2/2003
Hearing date: 10/24/2003

Date of adoption by agency: 10/24/2003
Filing date: 12/3/2003

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

A memo was sent to all machine-produced radiation source registrants, radiation machine service companies and selected associations affiliated with the registrants. In the mailing, the recipients were provided a copy of the proposed regulation revisions, a small business impact questionnaire, and notice of the workshops.

Public workshops were held as follows:

September 15, 2003 1:30 pm	Nevada Department of Transportation 3 rd Floor Conference Room 1263 Stewart Street Carson City, NV
September 15, 2003 1:30pm	Grant Sawyer State Office Building Room 4401 555. E. Washington Avenue Las Vegas, NV

Copies of the proposed revisions were also available for public review at county libraries and at the six field offices of the Bureau of Health Protection Services prior to workshops on September 15, 2003 and the adoption hearing on October 24, 2003.

Legal advertisements for the workshops were published as follows:

Elko Free Daily Press.....	September 2, 2003
Las Vegas Review Journal.....	August 29, 2003
Nevada Appeal.....	August 29, 2003
Reno Gazette Journal.....	August 29, 2003

- 2. The number of persons who:**

(a) **Attended the workshop:** Carson City.....3
Las Vegas.....5

(b) **Testified at the workshop:** Carson City.....3
Las Vegas.....3

(c) **Submitted to the agency written statements:**
Five (5) written statements were submitted to the agency.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

A Small Business Impact questionnaire was mailed to all affected parties on August 29, 2003. Affected parties were also informed by mail that they could attend the public workshops on September 15, 2003.

A notice for public hearing for adoption on October 24, 2003, was also mailed to affected parties on September 23, 2003.

The responses from affected parties generally indicated that the proposed revisions to increase fees only caused adverse financial impact on the businesses by increasing operational costs; however, some responses did not oppose the revisions. A copy of the response summary may be obtained by submitting a written request to Radiological Health Section, Bureau of Health Protection Services, Nevada State Health Division, 1179 Fairview Drive, Suite, 102, Carson City, NV 89701.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The proposed regulation was adopted without changing any part of the proposed text due to the lack of substantive comments and because NAC 439.150 enables the Nevada State Board of Health to adopt fees sufficient to generate the revenue for budgets approved by the Nevada Legislature.

5. The estimated economic effect of the regulation on the business that it is to regulate and on the public. These must be stated separately, and in each case must include:

(a) Both adverse and beneficial effects (Business):

Adverse effects on business are anticipated in the form of minor expenses to continue providing mammography services as a result of these revisions.

The beneficial effects anticipated as a result of this amendment are to ensure that facilities and users of mammography X-ray machines are supported by continued

state radiation control programs to protect radiation source users and user employees.

(b) Both adverse and beneficial effects (Public):

Minimal adverse effects on the public may be anticipated in the form of minor medical cost increases as a result of these revisions.

The beneficial effects anticipated as a result of these revisions are continuation of radiation control programs concerning mammography X-ray machines to protect public health and safety in Nevada.

6. The estimated cost to the agency for enforcement of the proposed regulation.

No additional cost to the agency for enforcement of the regulation is anticipated.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.

The proposed regulations do not overlap or duplicate any other Nevada state regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

N/A

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

These amendments increase the fees for mammographer and mammography training provider certifications. Increased fees expect to collect approximately \$10,920 per year.