

DIVISION OF PUBLIC & BEHAVIORAL HEALTH
Health Protection and Preparedness Bureau
Radiation Control Program
LCB File No. R074-19RP1

Informational Statement per NRS 233B.066

1. It is being proposed that the NAC regulations in LCB File No. R074-19RP1 be amended to provide for the following changes. This regulation is needed because it establishes the fees and requirements needed for licensure and clarifies existing regulations. Additionally, the fees collected will provide for two new hire staff members in the program to address the licensing and regulation of persons engaged in radiation therapy and radiologic imaging and support upgrades to the online licensing system.
 - Increases the fee for the issuance or renewal of a mammographer's certificate from \$88 to \$200.
 - Removes one section of federal regulations that were previously adopted by reference in error.
 - Corrects the reference that prohibits initial transfer or distribution unless authorized by a specific license issued.
 - Removes the Australian Society of Medical Imaging and Radiation Therapy, or its successor organization.
 - Provides fees for the issuance or renewal of a license or a limited license.
 - Revises the scope of practice for the holder of a limited license.
 - Provides for rural authorization continuing education credits.
 - Revises the level of supervision required for the holder of a limited license.
 - Requires notification to the Division of any change in mailing address or name.
 - Provides for inspectors to request technologist licensing documentation during an inspection.
 - Provides requirements for license or limited licensing.
 - Provides for any person that believes that certain actions taken by the Division against him or her is incorrect based on inadequate information may request an informal discussion with certain employees of the Division to resolve the complaint.

2. The Radiation Control Program distributed 2,465 Small Business Impact Questionnaires to licensees and registrants utilizing the U.S. mail and Listserv email addresses on September 19, 2019. The proposed regulations in LCB File No. R074-19P were posted on the Division's website with a link provided in the questionnaire. RCP received 41 responses. Six cited adverse economic effects, one cited a beneficial effect, and four cited indirect adverse effects. Interested persons can obtain a copy of the Small Business Impact Statement by contacting the RCP at (775) 687-7550 in Carson City or by utilizing this link to our website.
http://dpbh.nv.gov/Reg/RPM/Radiation_Producing_Machines_-_Home/

NEVADA DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH) Radiation Control Program (RCP) held a Public Hearing on October 29, 2019 to consider proposed regulations prescribed in SB 130, (LCB File No. R074-19P). No written comment was received from the public. Verbal comment was received from the public that related

primarily to the cost of licensure. Additional comments discussed the requirements for and the process of applying for licensure.

NEVADA DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH) Radiation Control Program (RCP) held a Public Meeting with a quorum of the Radiation Therapy and Radiologic Imaging Advisory Committee on January 7, 2020 to consider proposed regulations prescribed in SB 130, (LCB File No. R074-19P).

No written comment was received from the public. Verbal comment was received from the public that related primarily to the cost of licensure. Additional comments discussed the requirements for and the process of applying for licensure.

NEVADA DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH) Radiation Control Program (RCP) held a Public Workshop on January 27, 2020 to consider proposed regulations prescribed in SB 130, (LCB File No. R074-19P). Proposed amendments to Nevada Administrative Code (NAC) Chapters 457, 459 and 653. No written comment was received from the public. Verbal comment was received from the public that related primarily to the cost of licensure. Additional comments discussed the requirements for and the process of applying for licensure.

A Public Hearing Intent to Adopt Regulations was held in conjunction with the Board of Health on March 6, 2020, via videoconference, at the Division of Public and Behavioral Health, 4150 Technology Way, Room 303, Carson City, Nevada and Grant Sawyer Building, 555 E. Washington Ave. Room 1400, Las Vegas, Nevada. Providing the opportunity for the public to make comments on the proposed regulations in R074-19RP1. Nineteen members of the public were present at the public hearing. The Board of Health heard public testimony and discussed the comments on the proposed regulations. A summation of comments follows:

1. There was public comment given by Rowena Copeland, a member of the Advisory Committee questioning the amount charged for a renewal fee. Why is the amount charged so high and the same as the amount charged for the initial licensure?
 2. There was public comment given by Geoff Hassey regarding the definition of unnecessary radiation exposure and how it relates to the proposed regulations. He also, mentioned how these new regulations will impose a hardship on small business because it will cause an increase in lawyer fees. He would like to suggest an amendment to allow for additional time to comply with the new laws.
 3. There was public comment given by John Salamon regarding the verification of licenses during an inspection by the state.
 4. There was public comment supporting the proposed regulations and associated costs by Jeanette Belz.
3. The RCP conducted the following meetings in Carson City and Las Vegas, the number of persons attending each meeting:
- (a) Number of persons that attended each hearing:
Public Hearing on October 29, 2019 – (30).

Public Meeting with a quorum of the Radiation Therapy and Radiologic Imaging Advisory Committee on January 7, 2020 – (23).
Public Workshop on January 27, 2020 – (20).
Public Hearing Board of Health held March 6, 2020 – (40).

(b) Testified at each hearing:

Public Hearing on October 29, 2019 – (0).
Public Meeting with a quorum of the Radiation Therapy and Radiologic Imaging Advisory Committee on January 7, 2020 – (0).
Public Workshop on January 27, 2020 – (0).
Public Hearing Board of Health held March 6, 2020 – (4).

(c) Public Testimony.

Public Hearing Intent to Adopt Regulations held March 6, 2020. Testimony was given by:

Rowena Copeland
Business Phone (702) 383-2000
1800 W. Charleston Blvd.
Las Vegas, NV. 89102
E-mail: not provided
University Medical Center of Southern Nevada

Geoff Hassey
Did not sign in, no contact information provided.

John Salamon
Business Phone (702) 759-7722
2020 Palomino Ln. Suite 100
Las Vegas, NV. 89106
E-mail: not provided
Desert Radiology

Jeanette K. Belz
Business Phone (775) 329-0119
10580 N. McCarran Blvd. Suite 115-222
Reno, NV. 89503
Cell Phone (775) 232-1662
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Nevada Society of Radiologic Technologists

4. Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health, Radiation Control Program requested input from small businesses, registrants and licensees likely to be affected by the proposed regulations. The RCP distributed 2,465 Small Business Impact Questionnaires to licensees and registrants utilizing the U.S. mail and Listserv email addresses. Forty-one questionnaires were returned and analyzed to generate the Small Business Impact Statement. Six respondents indicated an adverse economic effect upon their business without reference to a specific regulation. One respondent also indicated there is a beneficial effect, four others indicated indirect adverse effects. A summary of the replies the Radiation Control Program (RCP) responded to below:

- Summerhill / Las Vegas Valley Chiropractic comments relating to adverse economic effects: Costs unknown. Additional licensing fees despite exemptions to include what? Do not know all aspects of proposed fees. RCP replied on November 26, 2019 by calling the registrant and requesting to speak with Mr. Wiesner, he was not available. I left my contact number and sent an email requesting he contact me with any questions or concerns.
- Fabito Anesthesia and Pain Specialist comments relating to adverse economic effects: “Any additional expenses could pose detrimental to our ability to provide services.” Comments relating to indirect adverse effects: “If required to pay additional expenses are imposed.” RCP replied on November 27, 2019 by calling and leaving a voice message requesting a call back if they have any questions or concerns regarding SB 130. No call back was received.
- Bronstein Hand Center comments relating to adverse economic effects: “Cost of training and licenses (undetermined) times 3 employees. Cost of yearly renewals (undetermined). Time off and clinic time with affect the business while employees are training.” RCP replied on November 26, 2019 by sending an email to the registrant requesting she contact me with any questions or concerns. No call back was received.
- Philip M. Paleracio DDS, LTD comments relating to adverse economic effects: “Increase taxation, increase of insurance premiums for (1) Unemployment division. (2) Goals and delivery of service.” Comments relating to beneficial effects: “(1) Increase Taxation. (2) Lesser insurance reimbursement. Yes. It affects business.” Comments relating to indirect adverse effects: “Greatly impacted. (3) less ability to deduct business purchases and expenses.” RCP replied by calling Dr. Paleracio and explaining that SB 130 does not increase taxes or require licensure of Dental Assistants. I advised him that additional information can be found on our website and if he has any additional questions to please call back.

5. The Board of Health heard public comment and testimony from multiple individuals throughout the meeting. None of which caused the Board of Health to alter the proposed regulations as submitted. After consideration the proposed regulations and fees were adopted by the Board of Health without change.

6. Anticipated effects on the business's which R074-19RP1 regulates:

- (a) *Adverse effects*: May have a negative economic impact on Licensees, registrants and stakeholders that have deficient practices that lead to an administrative sanction.
- (b) *Beneficial*: Clearly defines what is expected of the regulated community. Protects the public from unnecessary exposure to harmful ionizing radiation. Amends and modify existing language to make regulations more clear, current and compatible with the intent and scope of the Radiation Control Program.
- (c) *Immediate*: The stated adverse and beneficial effects would be immediate impacts as soon as the proposed regulations become effective.
- (d) *Long-term*: The long-term impacts would be the same as the immediate impacts as it would not be expected that the impacts would go away.

There are no estimated economic effects of the proposed regulations on the public. The Legislature and the Division determined that any impact on the public would be appropriately justified to meet the needs of the community.

- (a) *Adverse effects*: None Anticipated.
- (b) *Beneficial effects*: Increased public health and safety.
- (c) *Immediate effects*: Increased public health and safety.
- (d) *Long-term effects*: Increased public health and safety.

7. There is no estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations. Enforcement of the proposed regulations will be incorporated into current administrative, registration, licensing and inspection processes.
8. The proposed regulations do not overlap or duplicate any other State of Nevada regulations.
9. The proposed regulations do not duplicate and are no more stringent than state or federal regulations. Adoption of the proposed regulations ensures compatibility with certain NRC Regulations Title 10, Code of Federal Regulations
10. The amendments and proposed regulations as approved increases the fee for a Mammographers Certificate of Authorization from \$88 to \$200 and establishes a \$200 fee for licensure pursuant to SB 130. The approximate total annual amount the agency expects to collect is \$249,800. The fees collected will provide for two new hire staff members assigned to the program and upgrades to the online licensing system. The administrative staffs' time includes issuing licenses, the processing of payments, database entry, billing, assistance using the online licensing system, processing late and expired certificates, and general customer service.

NOTE: The Informational statement is essential. If this statement is not included with the final regulations or is incomplete or inaccurate, LCB will return the regulation to the agency. Unless a statement is supplied, the LCB will not submit the regulation to the Legislative Commission, and the regulation never becomes effective (NRS 233B.0665).