

Rule Summary and Fiscal Analysis (Part A)**Department of Health**

Agency Name

Radiation Control

Division

Jodi A. Govern

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3701:1-66-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Certification of radiation experts.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3748.04**

5. Statute(s) the rule, as filed, amplifies or implements: **3748.01, 3748.02, 3748.04, 3748.05, 3748.06, 3748.07, 3748.12, 3748.121, 3748.13, 3748.14, 3748.15, 3748.17, 3748.18, 3748.19, 3748.20, 3748.22, 3748.99**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

As a culmination of five-year review, the Public Health Council has approved amending this rule.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Rule 3701:1-66-03 sets forth requirements for applying and renewing certification as a radiation expert, including the qualifications, experience, and continuing education required. Proposed changes to the rule include: 1) add a requirement for the applicant or CRE to provide the Department certified copies of felony convictions, and thus allowing the Director to deny, suspend or revoke a certification if the conviction is related to a crime involving public health or safety; 2) update the qualifications for therapeutic CREs to be consistent with the requirements for a therapy medical physicist as listed in pending rule 3701:1-67-02 of the OAC; 3) add the allowance to make electronic fee payments; 4) delete a one-time provision for CREs initially certified before February 10, 2006 since it is no longer applicable; 4) add a new requirement regarding continuing education, even when a CRE allows his/her certification to expire within one year, thus eliminating a loophole for the CRE to simply apply again without having done any of the continuing education; and 5) makes some minor, non-substantive editing.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule references sections of the Ohio Revised Code and Administrative Codes. The O.R.C. and O.A.C. are generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Ohio Revised Code 121.76 exempts agencies from filing copies of Ohio law and regulations cited in the text of a rule.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **4/1/2011**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There is no cost of compliance associated with this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

