

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

Agency Name

Radiation Control

Division

246 North High Street Columbus OH 43215

Agency Mailing Address (Plus Zip)

Kaye.Norton@odh.ohio.gov

Email

Kaye Norton

Contact

614-644-8184

Phone

Fax

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 for five year review (FYR)? **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:

This rule has been reviewed pursuant to five-year review requirements and is being proposed with amendments.

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:

This rule assures that certified radiation experts meet educational training and experience standards to oversee hospital radiation quality assurance programs and test radiation-generating equipment for controlled, safe delivery of radiation doses to

patients for diagnostic and radiation therapy treatment. The rule is amendment to align the training and experience requirements with the American Board of Radiology, and to add language to align with Ohio Revised Code 5903. regarding priority application processing for service members and veterans, including extending the continuing education period for individuals in active military service.

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 the Ohio Revised 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:

Pursuant to R.C. 121.76(A)(1) and 121.76(A)(3), the cited material is exempt from inclusion in this filing.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **1/5/2018**

(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:

n/a

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 are three categories of certification: mammography, diagnostic, and therapeutic. The initial certification fee is \$100.00 per category. Renewal is \$100.00 per category and is every two years. The amendments to this rule do not establish any additional fees.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

There are three categories of certification: mammography, diagnostic, and therapeutic. These regulations require individuals to meet educational training standards to perform

oversight of hospitals' radiation quality assurance and safety programs to reduce the likelihood of radiation induced health issues to patients and occupational workers.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

In accordance with paragraph (H) of this rule, applications can be denied if qualifications are not met. The Director may suspend or revoke the certification for not complying with the Ohio regulations. Also, in accordance with Ohio Revised Code 3748.12 and paragraph (N) of this rule, a renewal fee that has not been paid within ninety days of the original invoice date shall be assessed a ten percent assessment fee.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Initial certification requires either proof of certification by the American Board of Radiology or other nationally recognized certification body or minimum education and experience requirement outline in rule and a \$100.00 per category certification/application fee. The individual is required to renew the certification category every two years with proof of 15 hours of continuing education for one category, 20 hours for two categories and 25 hours for three categories. The two-year renewal fee is \$100.00 per category.

ACTION: Original

DATE: 01/05/2018 9:44 AM

Question:

Was a search conducted to determine if liability insurance, bond, or other financial responsibility instrument was readily available in the amounts required as a condition of licensure?

Yes _____ No _____ Not applicable _____ X _____