

**MEMORANDUM**

TO: Kaye Norton, Ohio Department of Health

FROM: Travis Butchello, Regulatory Policy Advocate

DATE: November 14, 2017

RE: **CSI Review – Certification of Radiation Experts (OAC 3701:1-66-03)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule proposed by the Ohio Department of Health (ODH) as part of the statutory five-year rule review requirement. The rule package was submitted to the CSI Office on April 24, 2017 and the public comment period was held open through May 24, 2017. Five comments were received during this time and responses to comments were provided to the CSI Office on September 27, 2017.

The rules establish the educational, training, and experience requirements necessary for certification as a radiation expert to oversee and maintain a hospital's radiation safety and quality assurance program. ODH contends in the BIA that the public purpose for the regulation is to ensure that certified radiation experts meet specific educational and training requirements to test radiation-generating equipment and oversee quality assurance programs, which allows the state to reduce unnecessary radiation and radiation-induced health issues. ODH is amending the rule to update grammar, references to other rules, and reduce the required training hours needed for qualification to become certified.

As part of the early stakeholder outreach process, ODH submitted the draft rules for review to the Radiation Advisory Council. The council is comprised of experts in the field of radiation and represents medical, nonmedical, and academic stakeholders of radiation-generating equipment. As a result of the outreach, ODH received comments to include specific cross references to help mirror industry practices.

Five comments were received during the public comment period. The first commenter expressed approval of the rules and offered no substantive comments or proposed revisions. The remaining four commenters brought forth definition suggestions, which ODH ultimately chose not to adopt because they would not align with industry practices set forth by the American Board of Radiology and American Board of Medical Physics. The same commenters also wished to expand the list of required education to include biomedical engineering. ODH responded and chose to include the suggestion in the rule.

The rule impacts 251 certified radiation experts in Ohio. Specifically, the rule requires these individuals and any who choose to enter the profession to pay a certification fee used to support administrative costs of processing applications. There are three categories of certification including Mammography, Diagnostic, and Therapeutic. Each category has an initial certification fee of \$100 and renewal is \$100 every two years. Amendments to this rule do not carry any additional fees or adverse impact on business. The BIA emphasizes that the regulatory intent of the rules outweighs any adverse impact because the rule ensures that individuals meet educational and training standards to perform oversight of a hospital's quality assurance and safety, which ensures proper safety protocols exist to reduce the likelihood of radiation-induced health issues and injury to the public.

Recommendation

For the reasons explained above, this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Department of Health should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.