DRAFT - Proposed Regulation Package, LCB File No. R043-20.

Omissions in [~~red strikethrough~~] additions in *Blue italics*

Section 1.

Proposed amendment to LCB File No. R074-19RP1 Section 1. NAC 457.295 Fees for certificates; refund of portion of fees paid in error. (NRS 439.150**,** 457.065**,** 457.183**,** 457.184**)**

1. Except as otherwise provided in subsection 2, the Division shall charge and collect the following nonrefundable fees:

(a) For the issuance or renewal of a certificate for a machine, $551.

(b) For the issuance or renewal of a mammographer's certificate, $200.

(c) For the issuance of a duplicate mammographer's certificate for posting at multiple facilities for mammography pursuant to NAC 457.360, $25.

(d) For the issuance or renewal of a certificate to provide training to mammographers pursuant to NAC 457.357, $100.

2. If a payment was made in error, the Division will refund the fee collected pursuant to subsection 1, after deducting an amount calculated to cover the administrative costs directly related to issuing the refund.

3. The renewal fee must be postmarked or electronically received by the Division not later than the date on which the registration expires. If the fee is not received by that date, the registrant shall:

(a) Stop operating the radiation machine; and

(b) Submit to the Division within 5 days after the registration expires:

(1) An application for renewal of the registration;

(2) A fee in an amount that is equal to the appropriate fee set forth in subsection 1; and

(3) A fee for late payment of $56 per registration.

(Added to NAC by Bd. of Health, eff. 5-18-92; A 7-7-94; R148-03, 12-3-2003; R149-07, 1-30-2008; R144-13, 10-13-2016) NRS 457.065 Adoption of regulations for administration of chapter.

Sec. 2.

NAC 459.135 Deliberate misconduct; enforcement action. (NRS 459.030**)**

1. A licensee *or registrant,* an employee of a licensee *or registrant*, a contractor or subcontractor of a licensee *or registrant* or an employee of a contractor or subcontractor of a licensee *or registrant*, who knowingly provides to a licensee *or registrant*, or to a contractor or subcontractor of a licensee *or registrant*, any component, equipment, material or other good or service that relates to the activities of the licensee *or registrant* pursuant to this chapter shall not:

(a) Engage in deliberate misconduct; or

(b) Deliberately submit to the Division, a licensee *or registrant*, or a contractor or subcontractor of a licensee *or registrant* information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the Division.

2. A person who violates subsection 1 may be subject to an enforcement action by the Division.

3. As used in this section:

(a) "Contractor" includes a supplier and a consultant.

(b) "Deliberate misconduct" means an intentional act or omission that the person knows:

(1) Would cause or, if not detected, would have caused, a licensee *or registrant* to be in violation of any rule, regulation or order of the Division, or of any term, condition or limitation of a license *or registration* issued by the Division; or

(2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order or policy of a licensee, *registrant*, contractor or subcontractor.

(Added to NAC by Dep't of Human Resources by R137-01, eff. 5-30-2003) NRS 459.030 Duties of state agency for control of radiation.

Sec. 3.

NAC 459.161 Fees; failure to submit fee; refund of fee paid in error. (NRS 439.150, 459.201)

1. Except as otherwise provided in subsection 6, an application for the registration of a radiation machine submitted pursuant to NAC 459.154 must be accompanied by a nonrefundable fee for each X-ray tube, electron source or source of ionizing radiation which is installed in the radiation machine, as follows:

(a) Medical use, other than mammography, $500.

(b) Veterinary use, $150.

(c) Dental use, $140.

(d) Industrial use, $200.

(e) Academic use, $150.

(f) Accelerator, $550.

2. Except as otherwise provided in subsections 3 and 6, if the Division issues a registration certificate pursuant to NAC 459.156, the registrant must, for each year the certificate is valid, submit to the Division a nonrefundable renewal fee in an amount equal to the appropriate fee set forth in subsection 1.

3. The renewal fee must be *postmarked or electronically* received by the Division not later than the date on which the registration expires. If the fee is not received by that date, the registrant shall:

(a) Stop operating the radiation machine*; and* ~~which does not have a valid registration on or before the date the registration expires; or~~

(b) Submit to the Division within 5 days after the registration expires:

(1) An application for renewal of the registration;

(2) A fee in an amount that is equal to the appropriate fee set forth in subsection 1; and

(3) A fee for late payment of $56 per registration.

4. Any application for registration or renewal of registration which is not accompanied by the appropriate fees will not be acted upon by the Division until such fees are paid.

5. Except as otherwise provided in subsection 6, an application for a certificate of authorization for a radiation machine must be accompanied by a nonrefundable fee for each machine as required pursuant to NAC 457.295.

6. If a payment was made in error, the Division will refund the fee collected pursuant to this section, after deducting an amount calculated to cover the administrative costs directly related to issuing the refund.

(Added to NAC by Bd. of Health, eff. 9-1-89; A 1-24-92; 11-1-95; R149-03, 12-3-2003; R085-06, 11-13-2006; R149-07, 1-30-2008; R144-13, 10-13-2016)

Sec. 4.

NAC 459.552 Administrative controls: Direction of operation by registrants. (NRS 459.201)

1. The registrant is responsible for the operation of the radiation machines which he or she has registered with the Division. The registrant shall ensure that the provisions of NAC 459.400 to 459.624, inclusive, are met in the operation of the radiation machine or machines.

2. An X-ray system which does not meet the provisions of NAC 459.400 to 459.624, inclusive, must not be operated for diagnostic or therapeutic purposes if the Division prohibits such operation.

3. Persons who will be operating the X-ray system must be adequately instructed in the safe operating procedures and be competent in the safe use of the equipment.

4. The registrant shall:

(a) Document that each person who will be operating the X-ray system has received the instructions required by subsection 3 and that each person's competency was verified; and

(b) Retain that documentation at least until the period of registration of the radiation machine expires.

5. In the vicinity of each control panel for an X-ray system a chart, commonly referred to as a technique chart, must be provided, which specifies for all examinations which are performed by that system a listing of information, including but not limited to the following, for each projection within that examination:

(a) Patient's anatomical size versus technique factors to be utilized;

(b) Type of and size of the film or film-screen combination to be used;

(c) Type of grid to be used, if any, and focal distance;

(d) Source to image receptor distance to be used. [~~; and~~

~~(e) Type and location of placement of gonadal shielding to be used.~~]

6. Written safety procedures and rules must be provided to each person operating X-ray equipment, including any restrictions of the operating technique required for the safe operation of the particular X-ray system. The operator must be able to demonstrate familiarity with these rules.

[Bd. of Health, Radiation Control Reg. §§ 6.3-6.3.1.1.4, eff. 2-28-80] — (NAC A 4-27-84; R144-13, 10-13-2016) NRS 459.030 Duties of state agency for control of radiation.

Sec. 5.

NAC 459.554 Administrative controls: Radiographic exposure. (NRS 459.201)

1. Except for patients who cannot be moved out of the room, only the staff and ancillary personnel required for the medical procedure or training may be in the room during the radiographic exposure. Other than the patient being examined:

(a) All persons must be positioned so that no part of the body which is not protected by 0.5 mm lead equivalent will be struck by the useful beam.

(b) Staff and ancillary personnel must be protected from the direct scatter radiation by protective aprons or whole body protective barriers of not less than 0.25 mm lead equivalent.

(c) A patient who cannot be removed from the room must be protected from the direct scatter radiation by a whole body protective barrier of 0.25 mm lead equivalent or be so positioned that the nearest portion of the body is at least 2 meters from both the tube head and the nearest edge of the image receptor.

(d) When a portion of the body of any member of the staff or ancillary personnel is potentially subjected to stray radiation which could result in his or her receiving 10 percent of the maximum

permissible dose, as defined in NAC 459.320 to 459.374, inclusive, additional protective devices must be employed.

~~[2. Gonadal shielding of not less than 0.25 mm lead equivalent must be used for potentially procreative patients during radiographic procedures in which the gonads are in the direct or useful beam, except for cases in which this would interfere with the diagnostic procedure.~~

~~3.~~] *2.* Persons must not be exposed to the useful beam except for the purposes of the healing arts where each exposure has been authorized by a licensed practitioner of the healing arts. This provision specifically prohibits deliberate exposure for the following purposes:

(a) Exposure of a person for training, demonstration or other purposes unless there are also healing arts requirements and proper prescription has been provided.

(b) Exposure of a person for the purpose of healing arts screening without prior written approval of the Division. Screening means an exposure of a person without a prior examination by a licensed practitioner.

[~~4.~~] *3.* When a patient or film must be provided with auxiliary support during a radiation exposure:

(a) Mechanical holding devices must be used when the technique permits. The safety rules, required by NAC 459.552 to 459.558, inclusive, must include individual protections where holding devices cannot be utilized;

(b) Written safety procedures required by subsection 6 of NAC 459.552 must indicate the requirements for selecting a holder and include the procedure the holder must follow;

(c) The human holder must be protected as required by subsection 1;

(d) No person may be used routinely to hold film or patients;

(e) In those cases where the patient must hold the film, except during intraoral examinations, any portion of the body other than the area of clinical interest struck by the useful beam must be protected by not less than 0.5 mm lead equivalent material; and

(f) Such holding is permitted only in very unusual and rare situations.

[~~5.~~] *4.* As used in this section, "licensed practitioner of the healing arts" means a physician, homeopathic physician, osteopathic physician, licensed veterinarian, dentist, chiropractic physician, practitioner of Oriental medicine or podiatric physician, as those terms are defined or used, respectively, in NRS 630.014, 630A.050, 633.091 or 638.007 or chapter 631, 634, 634A or 635 of NRS.

[Bd. of Health, Radiation Control Reg. §§ 6.3.1.1.5-6.3.1.1.8.6, eff. 2-28-80] — (NAC A 1-18-94; R085-06, 11-13-2006; R144-13, 10-13-2016) **NRS 459.030 Duties of state agency for control of radiation.**

Sec. 6.

NAC 459.580 Intraoral dental radiographic systems. (NRS 459.201)

1. In addition to the provisions of NAC 459.552 to 459.558, inclusive, and 459.564, these requirements apply to X-ray equipment and associated facilities used for dental radiography. The criteria for extraoral dental radiographic systems are covered in NAC 459.616 to 459.624, inclusive.

2. Intraoral dental radiographic machines may be used only for intraoral dental radiography.

3. X-ray systems designed for use with an intraoral image receptor must be provided with means to limit source-to-skin distance of not less than 18 centimeters.

4. Radiographic systems which are designed for use with an intraoral image receptor must be provided with means to limit the X-ray beam so that:

(a) If the minimum source-to-skin distance is 18 centimeters or more, the X-ray field at the minimum source-to-skin distance is containable in a circle having a diameter of no more than 7 centimeters; and

(b) If the minimum source-to-skin distance is less than 18 centimeters, the X-ray field at the minimum source-to-skin distance is containable in a circle having a diameter of no more than 6 centimeters.

5. A means must be provided to terminate the exposure at a preset time interval, a preset product of current and time, a preset number of pulses, or a preset radiation exposure to the image receptor. In addition:

(a) Termination of exposure must cause automatic resetting of the timer to its initial setting or to zero; and

(b) It must not be possible to make an exposure when the timer is set to a zero or off position if either position is provided.

6. When four timer tests taken at identical timer settings equal 0.5 seconds or less, the average time period (T) must be greater than or equal to five times the difference between the maximum period (T max) and the minimum period (T min) in accordance with the formula: T 5 (T max-T min).

7. Deviation of measured technique factors from indicated values of kVp and exposure time must not exceed the limits specified for that system by its manufacturer. In the absence of the manufacturer's specifications, the deviation must not exceed 10 percent of the indicated value for kVp and 20 percent for exposure. All timers must be accurate to within ±20 percent of the selected value.

8. A control must be incorporated into each X-ray system so that an exposure can be terminated at any time, except for exposures of one-half second or less. The control switch must be of the dead-man type.

9. Each X-ray control must be located to meet the following criteria:

(a) Each installation must be provided with a protective barrier for the operator or must be so arranged that the operator can stand at least 6 feet from the patient and well away from the useful beam; and

(b) The X-ray control must provide visual indication observable at or from the operator's protected position whenever X-rays are produced. In addition, a signal audible to the operator must indicate that the exposure has terminated.

10. The exposure produced must be reproducible to within the following criteria: When all technique factors are held constant, the coefficient of variation must not exceed 0.10. This requirement is met if, when four exposures at identical technique factors are made, the value of the average exposure (E) is greater than or equal to five times the difference between the maximum exposure (E max) and the minimum exposure (E min) in accordance with the formula: E 5 (E max-E min).

11. Patient and film holding devices must be used when the techniques permit.

12. Neither the tube housing nor the position indicating device may be handheld during an exposure.

13. The X-ray system must be arranged and operated in such a manner that the useful beam at the patient's skin does not exceed the dimensions specified in subsection 4.

14. Dental fluoroscopy without image intensification must not be used.

~~[15. Each patient undergoing dental radiography must be draped with a protective apron of not less than 0.25 millimeters lead-equivalent to cover the gonadal area.~~

~~16.~~] *15.* Dental radiation machines with a nominal fixed kVp of less than 50 kVp must not be used to make diagnostic dental radiographs of humans.

[Bd. of Health, Radiation Control Reg. §§ 6.7-6.7.6.5, eff. 2-28-80] — (NAC A by R185-08, 5-7-2010; R144-13, 10-13-2016) NRS 459.030 Duties of state agency for control of radiation.

Sec. 7.

Proposed new regulation pursuant to SB 130 Sec. 43.(3) and R074-19RP1 Sec. 22. *License Application requirements for a person who performs computed tomography or fluoroscopy as part of his or her employment on or before January 1, 2020.*

1. *A person who performs computed tomography or fluoroscopy as part of his or her employment on or before January 1, 2020, may continue to perform any such activity after that date without complying with the requirements of NRS 653.630 or 653.640, as applicable, only if he or she:*

a) *Can document a continuous employment history in the scope of practice applied for since January 1, 2020 and submits any documentation requested showing proof of employment history and scope of practice to the Division.*

Sec. 8.
Proposed amendment to LCB File No. R074-19RP1 Section 27. *Requirements for a quality assurance program for X-ray photographs taken in a rural health clinic or federally-qualified health center.*

1. *A person applying for a rural authorization to use a radiation producing machines for imaging, must indicate on their application whether or not the rural health clinic or federally qualified health center where employed has established a quality assurance program for the use of radiation producing machines for imaging. And that the quality assurance program meets the requirements prescribed by the U.S. Department of Health and Human Services, Health Resources and Services Administration, Bureau of Primary Health Care. (n.d.). Health center program compliance manual. Chapter 10: quality improvement / assurance. The quality assurance program must be available at time of inspection to be verified by the Division.*

2. *A rural health clinic or federally-qualified health center that employs a holder of a Rural Authorization is required to establish a quality assurance program for the use of a radiation producing machine for imaging that meets the requirements prescribed by the U.S. Department of Health and Human Services, Health Resources and Services Administration, Bureau of Primary Health Care. (n.d.). Health center program compliance manual. Chapter 10: quality improvement / assurance.*

Sec. 9.
Proposed amendment to LCB File No. R074-19RP1 Section 21. *Scope of Practice.*

1. *The holder of a license, limited license, registration or rural authorization issued by the Division agree to perform their duties in accordance with the scope of practice adopted by the American Registry of Radiologic Technologists, (ARRT).*

Sec. 10.
Proposed new regulation.

Establishing the fees for the issuance of a license or limited license for the holder of a Certificate of Authorization for mammography.

1. *An applicant that holds a valid paid for certificate of authorization to operate a radiation machine for mammography will not be required to pay a fee for the issuance of a license, or limited license to engage in radiation therapy or radiologic imaging. If the applicant does not hold a valid paid for certificate of authorization to operate a radiation machine for mammography, the applicant will be required to pay the associated fee for the issuance of a license or limited license.*

Sec. 11.

Proposed amendment to LCB File No. R074-19RP1 Section 22. *Continuing Education requirements for the renewal of a license; limited license; rural authorization.*

1. To renew his or her license, limited license or rural authorization, the license holder or person who holds a rural authorization ~~issued pursuant to [section 27]~~ *~~NRS 653.510, NRS 653.520, NRS 653.620,~~* ~~[of this regulation]~~ shall maintain and provide to the Division evidence that he or she has completed not less than the required amount of continuing education credits set forth in this section.
2. ~~[If]~~ *As* applicable, the *holder of a* license ~~[holder]~~or *limited license* ~~[person who holds a rural authorization] issued pursuant to [section 27 of this regulation]~~ *~~NRS 653.510, NRS 653.520, NRS 653.530, or NRS 653.540~~* shall ~~[provide]~~ *submit* to the Division *a copy of their current national professional organization certification card indicating compliance with continuing education requirements. Or, submit the continuing education training* certificate*(s)* or list for the continuing education credits that is provided by American Registry for Radiologic Technologists, or its successor organization, or the Nuclear Medicine Technology Certification Board, or its successor organization, *or another national accrediting organization approved by the Division.* ~~*or meets any alternative standards prescribed by regulation of the Board.*~~
3. The ~~[license holder or]~~ person who holds a rural authorization ~~issued pursuant to [section 27 of this regulation]~~ *~~NRS 653.620,~~* shall ~~[provide]~~ *submit* to the Division ~~[, in addition to the information required in subsection 2, if applicable,]~~ *documentation showing* the following information concerning his or her continuing education credits:
   (a) The name of the participant;
   (b) The date or dates of attendance;
   (c) The title and content of the continuing education activity;
   (d) The number of continuing education credit hours earned; and
   (e) The name of the organization sponsoring or providing the continuing education activity.
4. A continuing education activity that lasts longer than 1 contact hour is assigned whole or partial continuing education credit based on the contact hour.
5. A continuing education activity that lasts for 30 minutes or less must receive no continuing education credit.
6. All continuing education activities must be evaluated and certified by a recognized continuing education evaluation mechanism. For an organization to qualify as a recognized continuing education mechanism, the organization must be:
   (a) National in scope;
   (b) A nonprofit entity; and
   (c) Radiology-based or medical imaging-based.
7. A person who holds a license to engage in radiation therapy and radiologic imaging ~~issued pursuant to NRS 653.510, 653.530 or 653.540, [as applicable,]~~must submit a *current national professional organization certification card indicating compliance with continuing education*

requirements. Or, submit documentation showing the number of continuing education [~~the applicable continuing education~~]credits *obtained as* listed below before renewing his or her license:

(a) If the person holds a license to engage in radiation therapy, he or she must complete 24 continuing education credits.

(b) If the person holds a license to engage in radiologic imaging, he or she must complete 24 continuing education credits.

(c) If the person practices as a radiologist assistant, he or she must complete 50 continuing education credits.

8. A person who holds a limited license to engage in radiologic imaging ~~issued pursuant to NRS 653.520, 653.530 or 653.540, as applicable,~~ must complete 20 continuing education credits relating to category A or A+, as established by the American Registry for Radiologic Technologists, before renewing his or her limited license.
9. A person who holds a rural authorization ~~issued pursuant to *NRS 653.620* [section 27 of this regulation]~~ must complete 20 continuing education credits relating to category A or A+, as established by the American Registry for Radiologic Technologists, before renewing his or her rural authorization.
10. As used in this section, "recognized continuing education evaluation mechanism" is a radiology-based or medical imaging-based organization that the American Registry for Radiologic Technologists has approved to evaluate the content, quality and integrity of proposed continuing education activities. Such evaluation includes, without limitation, the evaluation of the educational objectives of a continuing education activity, content relevancy and assurance, faculty qualifications and education methods and materials. The following organizations have the recognized continuing education evaluation mechanism status:

(a) American College of Radiology;

(b) American Healthcare Radiology Administrators;

(c) American Institute of Ultrasound in Medicine;

(d) American Roentgen Ray Society;

(e) American Society of Nuclear Cardiology;

(f) American Society of Radiologic Technologists;

(g) Association of Vascular and Interventional Radiographers;

(h) Canadian Association of Medical Radiation Technologists;

(i) Medical Dosimetrist Certification Board;

(j) Radiological Society of North America;

(k) Society of Diagnostic Medical Sonography;

(l) Society for Magnetic Resonance Technologists of International Society for Magnetic Resonance in Medicine;

(m) Society of Nuclear Medicine and Molecular Imaging Technologist Section; and

(n) Society for Vascular Ultrasound.

NRS 653.460 Adoption of regulations by State Board of Health;

Sec. 12.

Proposed new regulation: *Expiration of registrations issued pursuant to NRS 653.610, NRS 653.620, NRS 653.630.*

1. *A registration to engage in radiation therapy, radiologic imaging or computed tomography outside the scope of practice authorized and issued pursuant to NRS 653.610, or NRS 653.630 is valid only in conjunction with the applicants currently held licensure.*
2. *A registration to perform computed Tomography or Fluoroscopy pursuant to NRS 653.620(3) is valid for 2 years after the date on which the registration was issued and must be renewed on or before that date.*