

Errata – To LCB File No. R043-20P.

Blue italic = Proposed language found in LCB File No. R043-20P.

[Red in brackets] = Proposed omitted material found in LCB File No. R043-20P.

~~Strikethrough any color~~ = New omitted material proposed in errata.

Green italic = New language proposed in Errata.

Sec. 3. NAC 459.161 is hereby amended to read as follows:

459.161 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 ~~[postmarked or]~~

electronically received by that date, the registrant shall:

(a) *Submit to the Division through their online account; [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 ; *or {and*

~~*(b) Stop operating the machine to which the certificate applies until the fees required by paragraph (a) are paid.*~~

(b) Prior to expiration of registration, submit to the Division through their online account a change of status notification to transfer, place in storage, or dispose of the radiation producing machine. The registration for a radiation producing machine must be maintained, including fees, until the notification is submitted.

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.

Justification: The Radiation Control Program is reviewing this regulation to determine if the 5-day allowance for mail in registration renewal should be removed. Addresses concerns with late registration renewals by replacing mail in renewals with immediate online electronic renewals. Additionally, provides for online notification of a change in status to registered machines.

Section 10 (3) is hereby amended to read as follows:

Sec. 10. 1. Chapter 10 of the Health Center Compliance Manual, 2018 edition, published by the Health Resources and Services Administration of the United States Department of Health and Human Services, is hereby adopted by reference. The publication is available at no charge from the Health Resources and Services Administration at the Internet address

<https://bphc.hrsa.gov/programrequirements/compliancemanual/chapter-10.html#titletop> or, if that Internet website ceases to exist, from the Division.

2. The ARRT Standards of Ethics, published on September 1, 2019, by the American Registry of Radiologic Technologists, is hereby adopted by reference. The publication is available at no charge from the American Registry of Radiologic Technologists at the Internet address

https://www.arrt.org/docs/default-source/governing-documents/arrt-standards-of-ethics.pdf?sfvrsn=c79e02fc_24 or, if that Internet website ceases to exist, from the Division.

*3. If the publication adopted by reference in subsection 1 or 2 is revised, the Division will review the revision to determine its suitability for this State. If the Division determines that the revision is not suitable for this State, **the Division will consult with the Radiation Therapy and Radiologic Imaging Advisory Committee and if necessary, the Division will hold a public hearing to review its determination and give notice of that hearing within 90 days after the date of publication of the revision. If, after the hearing, the Division does not revise its determination, the Division will give notice that the revision is not suitable for this State within 90 days after the hearing. If the Division does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1 or 2, as applicable.***

Justification: The Radiation Control Program is revising this regulation to clarify the review process of the publication adopted by reference in subsection 1 or 2 when revised. If the Division determines that the revision is not suitable for this State, the Division will consult with the Radiation Therapy and Radiologic Imaging Advisory Committee.