

BOH TESTIMONY
March 11, 2016
Proposed NAC 457 & 459 Revisions

Good Morning, Mr. Chairman and Members of the Board.

For the record, my name is Karen Beckley, Manager of the Radiation Control Program. With me today, is Mr. Michael Schmidt, Radiation Control Specialist, lead for the program in the development of regulations.

The proposed regulations to Nevada Administrative Code 457 relating to Cancer & 459 relating to Hazardous Materials, repeal redundant and/or outdated regulations. Amend and modify existing language to make regulations more clear, current and compatible with the intent and scope of the Radiation Control Program, which is to protect and enhance the health and safety of the public.

Here is a summary of the changes to NAC:

- Maintains compatibility and compliance with the requirements of the U.S Nuclear Regulatory Commission.
- Amends and modifies existing language to make regulations more clear, current and compatible with the intent and scope of the Radiation Control Program.
- Introduces new language regarding Enforcement.
- Introduces new language regarding Radiation Safety Officer Requirements.
- Outlines the process of decommissioning facilities safely.
- Fees for duplicate mammography technologist certificates.
- Broaden regulation fee structure for certain specific licenses to provide for a reduction in fees.

The Division of Public and Behavioral Health has held several opportunities for the public, regulated community, licensees, registrants and stakeholders to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on small business and the public. A Small Business Impact Questionnaire was mailed to all Radiation Control Program licensees and registrants in October, 2015, 307 responses were received out of 2,946 Small Business Impact Questionnaires distributed. Negative comments revealed there was a perceived increase in Radiation Producing Machine (RPM) registration fees. The proposed regulations do not increase RPM registration fees, as it was determined by analysis of the comments that respondents miss-read proposed regulations. Respondents were contacted to correct the perceived impact. Negative comments also revealed a perception of new regulation requiring a Radiation Safety Officer for RPM registrants. Comments revealed respondents miss-read proposed regulation which clarifies training and education of Radiation Safety Officers for specific licenses not RPM registrants. Respondents were contacted to correct the perceived impact.

A Public Workshop was conducted Tuesday, January 12, 2016, via videoconference, in Carson City at Division of Public and Behavioral Health, Carson City, and in Las Vegas at the Division of Health Care Financing and Policy. Approximately, 40 members of the regulated community participated in the public workshop. Eight attendees provided testimony opposing the new language regarding Enforcement in section 11 part 3 of the proposed regulation.

Summation of comments were as follows taken from the Public Workshop minutes:

1. Section 11 part 3 is potentially harmful to business because of the \$2000.00/day fine for violations.

2. Adopting enforcement regulations from Mammography and applying to Nuclear Medicine may be vague and inconsistent in regards to the inspection and enforcement process.
3. Suggested language to section 11 part 3, if the violation is corrected within 30 days or immediately if the violation is repeated no fine.

The Radiation Control Program did publish a proposed amendment to Section 11 of the proposed regulations addressing the concerns of the public workshop attendees. An informational bulletin was released January 29, 2016, through the RCP Listserv containing the proposed amendment to Section 11. Summations of public comment, from 6 respondents, were supportive of the amendment to Section 11. There was no opposing comment, to the amendment of Section 11. An errata sheet is attached with the staff memo explaining the amendment to the section.

Other public comments at the Public Workshop had already been addressed in the current proposed regulations.

Thank you for your continued support of the Radiation Control Program. This concludes my remarks, pending any questions that you may have at this time.