

WSR 23-22-095

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed October 30, 2023, 2:25 p.m., effective November 30, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Radiation machine facility fees, WAC 246-254-053. The department of health (department) is adopting an increase in fees to cover the costs of operating the radiation machine facility program. The department is also adopting changes to machine categories within the fee schedule to allow the department to better track and manage X-ray machines across Washington. This will allow the department to be more efficient in regulatory and inspection processes.

Citation of Rules Affected by this Order: Amending WAC 246-254-053.

Statutory Authority for Adoption: RCW 70A.388.050 and 43.70.250.

Adopted under notice filed as WSR 23-17-128 on August 21, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 30, 2023.

Todd Mountin, PMP
Deputy Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4744.1

AMENDATORY SECTION (Amending WSR 19-05-074, filed 2/19/19, effective 3/22/19)

WAC 246-254-053 Radiation machine facility fees. (1) A registrant shall comply with chapter 246-224 WAC when registering radiation machine facilities. A registrant shall pay the following applicable radiation machine facility registration fees and radiation machine tube fees for each radiation machine facility and tube annually as identified in Table A and B of this section.

Table A

| ((Radiation Machine Facility Registration Fees | |
|---|--------------------------------------|
| Type of Radiation Machine Facility | Registration Fee per Facility |
| (a) Dental, podiatric, veterinary uses | \$107 |

| ((Radiation Machine Facility Registration Fees | | |
|---|--|--------------------------------------|
| Type of Radiation Machine Facility | | Registration Fee per Facility |
| (b) | Hospital, medical, chiropractic uses | \$207 |
| (e) | Industrial, research, educational, security, or other facilities | \$107 |
| (d) | Mammography only | \$89 |
| (e) | Bone densitometry only | \$89 |
| (f) | Electron microscopes only | \$89 |
| (g) | Bomb squad only | (\$89)) |
| Radiation Machine Facility Registration Fee | | \$195 |

Table B

| ((Radiation Machine Tube Fees | | |
|--------------------------------------|---|---------------------|
| Type of Tube | | Fee per Tube |
| (a) | Dental (intraoral, panoramic, cephalometric, dental radiographic, and dental CT) | \$27 |
| (b) | Veterinary (radiographic, fluoroscopic, portable, mobile) | \$46 |
| (e) | Podiatric uses (radiographic, fluoroscopic) | \$46 |
| (d) | Mammography | N/A |
| (e) | Bone densitometry | N/A |
| (f) | Electron microscope | N/A |
| (g) | Bomb squad | N/A |
| (h) | Medical radiographic (includes R/F combinations, fixed, portable, mobile) | \$131 |
| (i) | Medical fluoroscopic (includes R/F combinations, C-arm, Simulator, fixed, portable, mobile) | \$131 |
| (j) | Therapy (Grenz Ray, Orthovoltage, nonaccelerator) | \$131 |
| (k) | Accelerators (therapy, other medical uses) | \$131 |
| (l) | Computer tomography (CT, CAT scanner) | \$131 |
| (m) | Stereotactic (mammography) | \$107 |
| (n) | Industrial radiographic | \$46 |
| (o) | Analytical, X-ray fluorescence | \$46 |
| (p) | Industrial accelerators | \$46 |
| (q) | Airport baggage | \$27 |
| (r) | Cabinet (industrial, security, mail, other) | \$27 |
| (s) | Other industrial uses (includes industrial fluoroscopic uses) | (\$27)) |

| Radiation Machine Tube Fees | | |
|------------------------------------|--------------------------------|-------------|
| Category | Machine Type | Fee |
| Dental | <u>Intraoral</u> | <u>\$58</u> |
| | <u>Handheld</u> | <u>\$58</u> |
| | <u>Panoramic/Cephalometric</u> | <u>\$58</u> |
| | <u>Cone Beam CT</u> | <u>\$58</u> |
| | <u>Educational</u> | <u>\$58</u> |
| | <u>Radiographic/Other</u> | <u>\$58</u> |

| Radiation Machine Tube Fees | | |
|------------------------------------|--|--------------|
| Category | Machine Type | Fee |
| Veterinary | <u>Radiographic</u> | <u>\$77</u> |
| | <u>Portable</u> | <u>\$77</u> |
| | <u>Dental</u> | <u>\$77</u> |
| | <u>Cone Beam CT</u> | <u>\$77</u> |
| | <u>Fluoroscopic</u> | <u>\$112</u> |
| | <u>Computed Tomography</u> | <u>\$191</u> |
| Podiatry | <u>Radiographic</u> | <u>\$86</u> |
| | <u>Cone Beam CT</u> | <u>\$86</u> |
| | <u>Educational</u> | <u>\$86</u> |
| | <u>Handheld</u> | <u>\$86</u> |
| | <u>Fluoroscopic</u> | <u>\$231</u> |
| Medical Radiographic | <u>Fixed</u> | <u>\$246</u> |
| | <u>Mobile</u> | <u>\$246</u> |
| | <u>Portable</u> | <u>\$246</u> |
| | <u>Cone Beam CT</u> | <u>\$246</u> |
| | <u>Educational</u> | <u>\$246</u> |
| Fluoroscopic | <u>C-arm</u> | <u>\$231</u> |
| | <u>Micro Amperage (Mini) C-arm</u> | <u>\$231</u> |
| | <u>O-arm</u> | <u>\$231</u> |
| | <u>Specialty Rooms</u> | <u>\$231</u> |
| | <u>Under Table</u> | <u>\$231</u> |
| | <u>Educational</u> | <u>\$231</u> |
| | <u>Other</u> | <u>\$231</u> |
| Therapy | <u>Accelerator (Linear)</u> | <u>\$334</u> |
| | <u>Nonaccelerator</u> | <u>\$334</u> |
| | <u>Superficial Radiation Therapy (Dermatology)</u> | <u>\$334</u> |
| | <u>Educational</u> | <u>\$334</u> |
| | <u>Other</u> | <u>\$334</u> |
| Computed Tomography | <u>Diagnostic</u> | <u>\$783</u> |
| | <u>Simulation</u> | <u>\$490</u> |
| | <u>Attenuation Correction (PET/SPECT)</u> | <u>\$490</u> |
| | <u>Portable</u> | <u>\$783</u> |
| | <u>Mobile</u> | <u>\$783</u> |
| | <u>Educational</u> | <u>\$783</u> |
| Mammography | <u>Standard (including tomography)</u> | <u>\$0</u> |
| | <u>Stereotactic Mammography</u> | <u>\$55</u> |
| Bone Densitometer | <u>Standard</u> | <u>\$84</u> |
| | <u>Body Composition Scanner</u> | <u>\$84</u> |

| Radiation Machine Tube Fees | | |
|------------------------------------|----------------------------------|--------------|
| Category | Machine Type | Fee |
| Industrial | <u>Cabinet X-Ray</u> | <u>\$133</u> |
| | <u>Blood Irradiator</u> | <u>\$133</u> |
| | <u>Specimen Analyzer</u> | <u>\$133</u> |
| | <u>Medical Examiner</u> | <u>\$133</u> |
| | <u>Vault (less than 1MeV)</u> | <u>\$167</u> |
| | <u>Vault (greater than 1MeV)</u> | <u>\$331</u> |
| | <u>Open Beam Radiography</u> | <u>\$133</u> |
| | <u>Particle Accelerator</u> | <u>\$331</u> |
| Security | <u>Body Scanner</u> | <u>\$133</u> |
| | <u>Baggage Scanner</u> | <u>\$133</u> |
| | <u>Bomb Squad</u> | <u>\$133</u> |
| | <u>Back Scatter</u> | <u>\$133</u> |
| Analytical | <u>Cabinet XRF</u> | <u>\$133</u> |
| | <u>Handheld XRF</u> | <u>\$133</u> |
| | <u>X-Ray Diffraction</u> | <u>\$133</u> |
| Electron Microscopes | <u>Electron Microscopes</u> | <u>\$0</u> |

(2) Radiation shielding plan review fees. Radiation machine facilities regulated under the shielding plan requirements of WAC 246-225-030, 246-226-030, or 246-227-150 are subject to a (~~three hundred forty-four dollar~~) \$778 radiation shielding review fee for each X-ray room plan submitted:

(a) A registrant may request an expedited plan review for (~~one thousand dollars~~) \$2,339 for each X-ray room plan. An expedited plan means the department will complete the plan review within two business days of receiving all required information from the registrant.

(b) If a radiation machine facility regulated under WAC 246-225-030, 246-226-030, or 246-227-150 operates without submittal and departmental review of radiation shielding calculations and a floor plan it will be subject to a shielding design follow-up fee of (~~six hundred fifty-six dollars~~) \$1,561 in addition to the \$778 radiation shielding review fee.

(3) Inspection fees.

(a) The cost of routine, periodic inspections, including the initial inspection, are covered under fees as described in subsection (1) of this section.

(b) Radiation machine facilities requiring follow-up inspections due to uncorrected noncompliance events must pay an inspection follow-up fee of (~~one hundred eighteen dollars~~) \$1,281 for each reinspection required.

(4) The annual radiation machine facility registration fees and radiation machine tube fees are not transferable to another geographical location or registrant.