

**As Reported by the Senate Health, Human Services and Medicaid
Committee**

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Am. S. B. No. 236

Senator Huffman, S.

Cosponsors: Senators Schaffer, Hackett

A BILL

To amend sections 3748.04, 4773.01, and 4773.061 1
and to enact section 4773.10 of the Revised Code 2
regarding the Ohio Department of Health's 3
Radiation Control Program and the regulation of 4
radiation technology professionals. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3748.04, 4773.01, and 4773.061 be 6
amended and section 4773.10 of the Revised Code be enacted to 7
read as follows: 8

Sec. 3748.04. The director of health, in accordance with 9
Chapter 119. of the Revised Code, shall adopt and may amend or 10
rescind rules doing all of the following: 11

(A) Listing types of radioactive material for which 12
licensure by its handler is required and types of radiation- 13
generating equipment for which registration by its handler is 14
required, and establishing requirements governing them. Rules 15
adopted under division (A) of this section shall be compatible 16
with applicable federal regulations and shall establish all of 17
the following, without limitation: 18

(1) Requirements governing both of the following:	19
(a) The licensing and inspection of handlers of	20
radioactive material. Standards established in rules adopted	21
under division (A)(1)(a) of this section regarding byproduct	22
material or any activity that results in the production of that	23
material, to the extent practicable, shall be equivalent to or	24
more stringent than applicable standards established by the	25
United States nuclear regulatory commission.	26
(b) The registration and inspection of handlers of	27
radiation-generating equipment. Standards established in rules	28
adopted under division (A)(1)(b) of this section, to the extent	29
practicable, shall be equivalent to applicable standards	30
established by the food and drug administration in the United	31
States department of health and human services.	32
(2) Identification of and requirements governing	33
possession and use of specifically licensed and generally	34
licensed quantities of radioactive material as either sealed	35
sources or unsealed sources;	36
(3) A procedure for the issuance of and the frequency of	37
renewal of the licenses of handlers of radioactive material,	38
other than a license for a facility for the disposal of low-	39
level radioactive waste, and of the certificates of registration	40
of handlers of radiation-generating equipment;	41
(4) Procedures for suspending and revoking the licenses of	42
handlers of radioactive material and the certificates of	43
registration of handlers of radiation-generating equipment;	44
(5) Criteria to be used by the director of health in	45
amending the license of a handler of radioactive material or the	46
certificate of registration of a handler of radiation-generating	47

equipment subsequent to its issuance;	48
(6) Criteria for achieving and maintaining compliance with this chapter and rules adopted under it by licensees and registrants;	49 50 51
(7) Criteria governing environmental monitoring of licensed and registered activities to assess compliance with this chapter and rules adopted under it;	52 53 54
(8) Fees for both of the following:	55
(a) The licensing of handlers, other than facilities for the disposal of low-level radioactive waste, of radioactive material;	56 57 58
(b) The registration of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.	59 60 61
(9) A fee schedule for both of the following that includes fees for reviews, conducted during an inspection, of shielding plans or the adequacy of shielding:	62 63 64
(a) The inspection of handlers of radioactive material;	65
(b) The inspection of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.	66 67 68
(B) (1) Identifying sources of radiation, circumstances of possession, use, or disposal of sources of radiation, and levels of radiation that constitute an unreasonable or unnecessary risk to human health or the environment;	69 70 71 72
(2) Establishing requirements for the achievement and maintenance of compliance with standards for the receipt,	73 74

possession, use, storage, installation, transfer, servicing, and 75
disposal of sources of radiation to prevent levels of radiation 76
that constitute an unreasonable or unnecessary risk to human 77
health or the environment; 78

(3) Requiring the maintenance of records on the receipt, 79
use, storage, transfer, and disposal of radioactive material, 80
including technologically enhanced naturally occurring 81
radioactive material, and on the radiological safety aspects of 82
the use and maintenance of radiation-generating equipment. The 83
rules adopted under division (B) (3) of this section shall not 84
require maintenance of records regarding naturally occurring 85
radioactive material. 86

In adopting rules under divisions (A) and (B) of this 87
section, the director shall ~~use standards no less stringent than~~ 88
~~consider the "suggested state regulations for control of~~ 89
~~radiation~~ Suggested State Regulations for Control of Radiation" 90
prepared by the conference of radiation control program 91
directors, inc., ~~and;~~ regulations adopted by the United States 92
nuclear regulatory commission, the United States environmental 93
protection agency, and the United States department of health 94
and human services ~~and shall consider;~~ reports of the national 95
council on radiation protection and ~~measurement~~ measurements; 96
and ~~the~~ relevant standards of the American national standards 97
institute. 98

(C) Establishing fees, procedures, and requirements for 99
certification as a radiation expert, including all of the 100
following, without limitation: 101

(1) Minimum training and experience requirements; 102

(2) Procedures for applying for certification; 103

(3) Procedures for review of applications and issuance of certificates;	104 105
(4) Procedures for suspending and revoking certification.	106
(D) Establishing a schedule for inspection of sources of radiation and their shielding and surroundings;	107 108
(E) Establishing the responsibilities of a radiation expert;	109 110
(F) Establishing criteria for quality assurance programs for licensees of radioactive material and registrants of radiation-generating equipment;	111 112 113
(G) Establishing fees to be paid by any facility that, on September 8, 1995, holds a license from the United States nuclear regulatory commission in order to provide moneys necessary for the transfer of licensing and other regulatory authority from the commission to the state pursuant to section 3748.03 of the Revised Code. Rules adopted under this division shall stipulate that fees so established do not apply to any functions dealing specifically with a facility for the disposal of low-level radioactive waste. Fees collected under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.	114 115 116 117 118 119 120 121 122 123 124 125 126
(H) Establishing fees to be collected annually from generators of low-level radioactive waste, which shall be based upon the volume and radioactivity of the waste generated and the costs of administering low-level radioactive waste management activities under this chapter and rules adopted under it. All fees collected under this division shall be deposited into the	127 128 129 130 131 132

state treasury to the credit of the general operations fund 133
created in section 3701.83 of the Revised Code. The fees shall 134
be used solely to administer and enforce this chapter and rules 135
adopted under it. Any fee required under this division that 136
remains unpaid on the ninety-first day after the original 137
invoice date shall be assessed an additional amount equal to ten 138
per cent of the original fee. 139

(I) Establishing requirements governing closure, 140
decontamination, decommissioning, reclamation, and long-term 141
surveillance and care of a facility licensed under this chapter 142
and rules adopted under it. Rules adopted under division (I) of 143
this section shall include, without limitation, all of the 144
following: 145

(1) Standards and procedures to ensure that a licensee 146
prepares a decommissioning funding plan that provides an 147
adequate financial guaranty to permit the completion of all 148
requirements governing the closure, decontamination, 149
decommissioning, and reclamation of sites, structures, and 150
equipment used in conjunction with a licensed activity; 151

(2) For licensed activities where radioactive material 152
that will require surveillance or care is likely to remain at 153
the site after the licensed activities cease, as indicated in 154
the application for the license submitted under section 3748.07 155
of the Revised Code, standards and procedures to ensure that the 156
licensee prepares an additional decommissioning funding plan for 157
long-term surveillance and care, before termination of the 158
license, that provides an additional adequate financial guaranty 159
as necessary to provide for that surveillance and care; 160

(3) For the purposes of the decommissioning funding plans 161
required in rules adopted under divisions (I) (1) and (2) of this 162

section, the types of acceptable financial guaranties, which 163
shall include bonds issued by fidelity or surety companies 164
authorized to do business in the state, certificates of deposit, 165
deposits of government securities, irrevocable letters or lines 166
of credit, trust funds, escrow accounts, or other similar types 167
of arrangements, but shall not include any arrangement that 168
constitutes self-insurance; 169

(4) A requirement that the decommissioning funding plans 170
required in rules adopted under divisions (I) (1) and (2) of this 171
section contain financial guaranties in amounts sufficient to 172
ensure compliance with any standards established by the United 173
States nuclear regulatory commission, or by the state if it has 174
become an agreement state pursuant to section 3748.03 of the 175
Revised Code, pertaining to closure, decontamination, 176
decommissioning, reclamation, and long-term surveillance and 177
care of licensed activities and sites of licensees. 178

Standards established in rules adopted under division (I) 179
of this section regarding any activity that resulted in the 180
production of byproduct material, as defined in division (A) (2) 181
of section 3748.01 of the Revised Code, to the extent 182
practicable, shall be equivalent to or more stringent than 183
standards established by the United States nuclear regulatory 184
commission for sites at which ores were processed primarily for 185
their source material content and at which byproduct material, 186
as defined in division (A) (2) of section 3748.01 of the Revised 187
Code, is deposited. 188

(J) Establishing criteria governing inspections of a 189
facility for the disposal of low-level radioactive waste, 190
including, without limitation, the establishment of a resident 191
inspector program at such a facility; 192

(K) Establishing requirements and procedures governing the filing of complaints under section 3748.16 of the Revised Code, including, without limitation, those governing intervention in a hearing held under division (B) (3) of that section;	193 194 195 196
(L) Establishing requirements governing technologically enhanced naturally occurring radioactive material. Rules adopted under this division shall not apply to naturally occurring radioactive material.	197 198 199 200
Sec. 4773.01. As used in this chapter:	201
(A) "General x-ray machine operator" means an individual who operates ionizing radiation-generating equipment in order to perform standard radiology procedures; whose performance of such procedures is limited to specific body sites; and who does not, to any significant degree, determine procedure positioning or the dosage of radiation to which a patient is exposed.	202 203 204 205 206 207
(B) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	208 209
(C) "Ionizing radiation" means any electromagnetic or particulate radiation that interacts with atoms to produce ionization in matter, including x-rays, gamma rays, alpha and beta particles, high speed electrons, neutrons, and other nuclear particles.	210 211 212 213 214
(D) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	215 216 217
(E) "Podiatrist" means an individual authorized under Chapter 4731. of the Revised Code to practice podiatric medicine and surgery.	218 219 220

(F) "Nuclear medicine technologist" means an individual	221
who prepares <u>does all of the following:</u>	222
<u>(1) Prepares and administers radio-pharmaceuticals to</u>	223
human beings and conducts;	224
<u>(2) Conducts in vivo or in vitro detection and measurement</u>	225
of radioactivity <u>radioactivity</u> for medical purposes;	226
<u>(3) Documents orders for radio-pharmaceuticals in patient</u>	227
<u>medical records.</u>	228
(G) "Radiation therapy technologist" means an individual	229
who utilizes ionizing radiation-generating equipment, including	230
therapy simulator radiation-generating equipment, for	231
therapeutic purposes on human beings.	232
"Radiation therapy technologist" is the same as a	233
radiation therapist.	234
(H) "Radiographer" means an individual who operates	235
ionizing radiation-generating equipment, administers contrast,	236
and determines procedure positioning and the dosage of ionizing	237
radiation <u>does all of the following in order to perform a</u>	238
comprehensive scope of radiology procedures on human beings;	239
<u>(1) Operates ionizing radiation-generating equipment;</u>	240
<u>(2) Administers contrast;</u>	241
<u>(3) Documents orders for contrast in patient medical</u>	242
<u>records;</u>	243
<u>(4) Determines procedure positioning;</u>	244
<u>(5) Determines the dosage of ionizing radiation.</u>	245
(I) "Mechanotherapist" means an individual who holds a	246
certificate issued under section 4731.15 of the Revised Code	247

authorizing the individual to practice mechanotherapy. 248

Sec. 4773.061. Subject to section 4773.06 of the Revised 249
Code, a radiation therapy technologist or nuclear medicine 250
technologist may perform computed tomography procedures if the 251
technologist is certified in computed tomography by a national 252
certifying organization approved by the director of health under 253
section 4773.08 of the Revised Code. 254

When performing computed tomography procedures, the 255
~~radiation therapy technologist or nuclear medicine technologist~~ 256
shall act in accordance with rules adopted under section 4773.08 257
of the Revised Code. In the case of a nuclear medicine 258
technologist, the technologist also shall act in a manner that 259
is consistent with a definitive set of treatment guidelines, as 260
described in section 4773.10 of the Revised Code. 261

Sec. 4773.10. As used in this section, "clinical 262
leadership" includes an institution's medical director and 263
director of radiology. 264

When engaging in an activity pursuant to a license issued 265
under this chapter to practice as a radiographer or nuclear 266
medicine technologist, the radiographer or nuclear medicine 267
technologist shall do so in a manner that is consistent with a 268
definitive set of treatment guidelines approved by the clinical 269
leadership of the institution at which the radiographer or 270
technologist practices. 271

Section 2. That existing sections 3748.04, 4773.01, and 272
4773.061 of the Revised Code are hereby repealed. 273