



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 30, 2023

TIME: 2:25 PM

WSR 23-22-095

Agency: Department of Health

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

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:

New: None

Repealed: None

Amended: WAC 246-254-053

Suspended: None

Statutory authority for adoption: RCW 70A.388.050 and RCW 43.70.250

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

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

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

Date Adopted: October 30, 2023

Name: Todd Mountin, PMP for Umair A. Shah, MD, MPH

Title: Deputy Chief of Policy for Secretary of Health

Signature:



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
(b)	Hospital, medical, chiropractic uses	\$207
(c)	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))
<u>Radiation Machine Facility Registration Fee</u>		<u>\$195</u>

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
(c)	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

((Radiation Machine Tube Fees		
Type of Tube		Fee per Tube
(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>
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>

Radiation Machine Tube Fees		
Category	Machine Type	Fee
Mammography	Standard (including tomography)	\$0
	Stereotactic Mammography	\$55
Bone Densitometer	Standard	\$84
	Body Composition Scanner	\$84
Industrial	Cabinet X-Ray	\$133
	Blood Irradiator	\$133
	Specimen Analyzer	\$133
	Medical Examiner	\$133
	Vault (less than 1MeV)	\$167
	Vault (greater than 1MeV)	\$331
	Open Beam Radiography	\$133
	Particle Accelerator	\$331
Security	Body Scanner	\$133
	Baggage Scanner	\$133
	Bomb Squad	\$133
	Back Scatter	\$133
Analytical	Cabinet XRF	\$133
	Handheld XRF	\$133
	X-Ray Diffraction	\$133
Electron Microscopes	Electron Microscopes	\$0

(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.