

**NOTICE OF PUBLIC HEARING**

Intent to Adopt Regulations  
(LCB File No. R074-19P  
and errata)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 457 of Nevada Administrative Code (NAC) Cancer, Chapter 459 of Nevada Administrative Code, Hazardous Materials and Chapter 653 of Nevada Administrative Code, Radiation Therapy and Radiologic Imaging. This public hearing is to be held in conjunction with the State Board of Health meeting on March 6, 2020. The NAC 457, NAC 459 and NAC 653 regulation changes will be heard in the order placed on the State Board of Health agenda.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, March 6, 2020 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room 303 Carson City, NV 89076	Grant Sawyer Building 555 E. Washington Ave. Room 1400 Las Vegas, NV 89101
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The proposed addition/change of regulations to NAC 457, NAC 459 and NAC 653 in LCB File No. R074- 19 and errata include provisions for:

- Added to R074-19P as carryover from R021-18RP3 Section 1.  
Section 1. The proposed amendment to (NAC 457.295) appended to the end of this regulation increases the fee for the issuance or renewal of a mammographer’s certificate from \$88 to \$200.
- Added to R074-19P from R021-18RP3 Section 15.  
Existing regulations adopt by reference certain sections of federal regulations regarding the physical protection of certain quantities of radioactive material. (NAC 459.1232) Section 28 of this regulation removes one section of federal regulations that previously adopted by reference.
- Added to R074-19P from R021-18RP3 Section 24.  
Existing regulations provide the requirements for a general license for source materials. Existing regulations prohibit a person from initially transferring or distributing source material to persons who have certain general licenses unless authorized by a specific license issued pursuant to several regulatory provisions relating to the licensing of radioactive material. (NAC 459.212) Section 29 of this regulation prohibits such initial transfer or distribution unless authorized by a specific license issued pursuant to one particular regulatory provision relating to initially transfer source material.
- The proposed definition for Scope of Practice pursuant to NRS 653.460 is added to the section containing definitions.

- Section 16 of this regulation revises the three additional national accrediting organizations down to two.
- Section 17 of this regulation applies to a person who is applying to the Division for the issuance or renewal of a license or a limited license pursuant to sections 22 to 51, inclusive, of Senate Bill No. 130, shall pay the applicable fee for the issuance or renewal of a license or limited license which is set forth in this section.
- Section 18 of this regulation revises the scope of practice for the holder of a limited license.
- Section 19 of this regulation clarifies that to renew his or her license, limited license or rural authorization, the license holder or person who holds a rural authorization issued pursuant to section 24 of this regulation shall maintain and provide to the Division evidence that he or she has completed not less than the required amount of continuing education credits set forth in this section.
- Section 20 of this regulation revises the level of supervision required for the holder of a limited license. Pursuant to paragraph (d) of subsection 1 of section 34 of Senate Bill 130, a person who holds a limited license may perform radiologic imaging, as specified by his or her limited license, only while under the direct supervision of a licensed practitioner.
- Section 22 of this regulation requires a person who holds a license or limited license to notify the Division of any change in his or her mailing address or name.
- Section 23 of this regulation authorizes the Division, while inspecting a machine that produces radiation or radioactive materials, to request documentation which shows that the operators of such machines satisfy the applicable requirements for training and credentialing that applies to a person who holds a license or limited license to engage in radiation therapy or radiologic imaging.
- Section 24 of this regulation provides that a person who does not hold a license or limited license to engage in radiation therapy or radiologic imaging to take X-ray photographs may be issued a rural authorization by the Division before taking X-ray photographs.
- Section 25 of this regulation sets forth the information a person must provide to the Division to be issued such a license or limited license. Section 25 requires such a person to pay the fee for the issuance of a license or limited license that is set forth in section 17.
- Section 26 requires the Division to issue a provisional license to a person who meets the requirements set forth in paragraphs (a) and (b) and provides any information required pursuant to paragraph (c) of section 75 of Senate Bill No. 130.
- Section 27 of this regulation authorizes a person who holds a license or limited license, holds a registration or who applies for a license, limited license or registration and who has reason to believe that certain actions taken by the Division against him or her is incorrect or based on inadequate facts to request an informal discussion with certain employees of the Division. Section 27 authorizes the person to request an informal conference with the Division if the informal discussion does not resolve the complaint.
- Please refer to the Errata Sheet for LCB File No. R074-19P for additional information.

1. Anticipated effects on the business which NAC 457, NAC 459 and NAC 653 regulates:
  - A. *Adverse effects*: The agency concludes the proposed regulations will produce a negligible impact on small businesses.
  - B. *Beneficial*: Clearly defines what is expected of the regulated community. Protects the public from unnecessary exposure to harmful ionizing radiation. Amends and modifies existing language to make regulations more clear, current and compatible with the intent and scope of the Radiation Control Program.
  - C. *Immediate*: The stated adverse and beneficial effects would be immediate impacts as soon as the proposed regulations become effective.
  - D. *Long-term*: The long-term impacts would be the same as the immediate impacts as it is not be expected that the impacts would go away.
2. Anticipated effects on the public:
  - A. *Adverse*: None anticipated.
  - B. *Beneficial*: Increased public health and safety.
  - C. *Immediate*: Increased public health and safety.
  - D. *Long-term*: Increased public health and safety.
3. There is no estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations. Enforcement of the proposed regulations will be incorporated into current administrative, registration, licensing and inspection processes.
4. The amendment to NAC 457.295 of this regulation increases the fee for the issuance or renewal of a mammographer's certificate from \$88 to \$200. The amendments to NAC 653 establish the applicable fees for the issuance or renewal of a license or limited license as required by Senate Bill 130.
5. The proposed regulations do not overlap or duplicate any other Nevada state regulations.
6. Per NRS 233B.0608(3), The Division of Public and Behavioral Health prepared and distributed a Small Business Impact Questionnaire (SBIQ) to all licensee's and registrants of the Radiation Control Program. The responses received were analyzed and used to generate the Small Business Impact Statement (SBIS) which was approved by the Administrator on January 9, 2020.
7. Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Lisa Sherych, to be received no later than February 14, 2020 at the following address:

Secretary, State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Division of Public and Behavioral Health  
675 Fairview Drive, Suite 218  
Carson City, NV 89701-5629

Division of Public and Behavioral Health  
4220 S. Maryland Parkway, Bldg. D,  
Suite 810  
Las Vegas, NV 89119

Nevada State Library and Archives  
100 N. Stewart Street  
Carson City, NV 89701

Copies may be obtained in person, by mail, or by calling the Radiation Control Program at (775) 687-7550 in Carson City.

A copy of the regulations and this notice can also be found on-line by going to:

[http://dpbh.nv.gov/Reg/RPM/Radiation\\_Producing\\_Machines\\_-\\_Home/](http://dpbh.nv.gov/Reg/RPM/Radiation_Producing_Machines_-_Home/)  
[http://dpbh.nv.gov/Reg/RAM/Radioactive\\_Material\\_Program\\_\(RAM\)\\_-\\_Home/](http://dpbh.nv.gov/Reg/RAM/Radioactive_Material_Program_(RAM)_-_Home/)  
<https://www.leg.state.nv.us/Register/2019Register/R074-19P.pdf> (Regulations Only)  
<https://www.leg.state.nv.us/App/Notice/A/>

Copies may also be obtained from any of the public libraries listed below:

Carson City Library  
900 North Roop Street  
Carson City, NV 89702

Humboldt County Library  
85 East 5<sup>th</sup> Street  
Winnemucca, NV 89445-3095

Clark County District Library  
833 Las Vegas Boulevard  
North Las Vegas, NV 89101

Lincoln County Library  
93 Maine Street  
Pioche, NV 89043-0330

Elko County Library  
720 Court Street  
Elko, NV 89801

Mineral County Library  
110 1<sup>st</sup> Street  
Hawthorne, NV 89415-1390

Eureka Branch Library  
210 South Monroe Street  
Eureka, NV 89316-0283

Pershing County Library  
1125 Central Avenue  
Lovelock, NV 89419-0781

Tonopah Public Library  
167 Central Street  
Tonopah, NV 89049-0449

White Pine County Library  
950 Campton Street  
Ely, NV 89301-1965

Churchill County Library  
553 South Maine Street  
Fallon, NV 89406

Douglas County Library  
1625 Library Lane  
Minden, NV 89423

Esmeralda County Library  
Corner of Crook and 4<sup>th</sup> street  
Goldfield, NV 89013-0484

Henderson District Public Library  
280 S. Green Valley Pkwy  
Henderson, NV 89102

Lander County Library  
625 South Broad Street  
Battle Mountain, NV 89820-0141

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447-2399

Pahrump Library District  
701 East Street  
Pahrump, NV 89041-0578

Storey County Library  
95 South R Street  
Virginia City, NV 89440-0014

Washoe County Library  
301 South Center Street  
Reno, NV 89505-2151

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.