

800 NE Oregon Street
Portland, OR 97232
Voice: (971) 673-1222
FAX: (971) 673-1299
TTY: 711

Date: December 12, 2023

TO: Rulemaking Commenters – OAR chapter 333, divisions 100, 103, 106, 115, 120 & 123 - "Radiation Protection Services diagnostic and therapy rulemaking amendments"

FROM: Brittany Hall, Administrative Rules Coordinator

cc: David Howe, Program Director
Radiation Protection Services

SUBJECT: Report on Rulemaking Comment Period

Comment Deadline: November 21, 2023 at 5:00 PM

Purpose of Comment Period: The purpose of this comment period was to receive public comments regarding the Oregon Health Authority (OHA), Public Health Division, Radiation Protection Services' proposed permanent amendment of OAR chapter 333, divisions 100, 103, 106, 115, 120 & 123.

The X-ray program proposed rule amendments to clarify that the X-ray registrant must ensure direct supervision of a non-certified Medical Physicist is provided by a Medical Physicist who is certified in Therapeutic Radiological Physicist or Radiation Oncology. Currently in rule, the term supervision is used and is vague regarding the type of supervision is required. Direct supervision requires the Certified Radiological Practitioner to be physically in the medical facility. Amended rules will allow the dental registrant to utilize a rectangular rather than a circular intraoral image receptor which lowers the X-ray radiation dose to the patient and improve the image quality. Amended rules will now define a Naturopathic doctor as a person who practices the healing arts which will make the practitioner eligible for fluoroscopic operations.

The Radioactive Materials program proposed rule amendments to remove the statement "not to exceed \$3,000 in a year" within the reciprocal recognition fee rule to align with in-state fees. Currently ORS 453.757 directs annual radioactive material licensing fees to not exceed \$5,000 per year. Amended rules are being proposed to better define a radiation area by inserting language that means radiation areas expose persons to radioactive materials within a specific area. Rules pertaining to notification of a medical event are being amended by removing a rule reference number since the

referenced rule does not provide the criteria to define a medical event and corrects grammar within that rule.

Comments Received: One individual submitted written comments to OHA within the period allotted for public comment. These comments are briefly summarized as follows and attached to this report as **Exhibit 1**.

Written comments expressed concern about the proposed amendments to OAR 333-123-0015, requiring direct supervision of a non-certified Medical Physicist, in the current physics job market, stating “some states restrict uncertified medical physicists from calibrating equipment, but allow remote supervision.”

Agency response:

The Oregon Health Authority (OHA) recognizes the potential shortages of Qualified Medical Physicists that possibly can affect the current supervision requirements addressed in Oregon Administrative Rules. OHA would support the X-ray therapy industry profession to establish a collaborative working group with OHA to identify and address the potential issues facing the industry today.

From: [Carpenter Todd S](#)
To: [HALL Brittany A](#)
Subject: FW: Notice to Interested Parties - Radiation Protection Services
Date: Thursday, November 9, 2023 7:26:11 AM
Attachments: [image002.png](#)

Good morning;

Written comment received from a X-ray registrant.

Todd

From: Wolfram Laub <Wlaub@aspektsolutions.com>
Sent: Thursday, November 9, 2023 6:50 AM
To: Dylan Monaco <dmonaco@cccroseburg.org>; Carpenter Todd S <TODD.S.CARPENTER@oha.oregon.gov>
Cc: Anne Patterson <apatterson@aspektsolutions.com>
Subject: RE: Notice to Interested Parties - Radiation Protection Services

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Todd,

I am concerned about the below rule change in the current physics job market. Some states restrict uncertified medical physicists from calibrating equipment, but allow remote supervision.

Wolfram

AMEND: 333-123-0015

RULE SUMMARY: OAR 333-123-0015 is being amended to clarify that the X-ray registrant must ensure direct supervision of a non-certified Medical Physicist by a Medical Physicist who is certified in Therapeutic Radiological Physicist or Radiation Oncology.

From: Carpenter Todd S <TODD.S.CARPENTER@oha.oregon.gov>
Sent: Wednesday, November 8, 2023 7:21 AM
To: Carpenter Todd S <TODD.S.CARPENTER@oha.oregon.gov>
Subject: FW: Notice to Interested Parties - Radiation Protection Services

To Interested Parties;

The Oregon Health Authority, Public Health Division, Center for Health Protection, Radiation Protection Services is proposing rulemaking to Oregon Administrative Rules (OAR). Radiation Protection Services is proposing amendments for the radioactive material licensing and X-ray registration programs. For details, please see the Notice of Proposed Rulemaking attached with this email.

Take care

Todd S. Carpenter
Radioactive Materials Licensing Manager
OREGON HEALTH AUTHORITY
Public Health Division
Radiation Protection Services
Desk: 971-673-0500
Todd.s.carpenter@oha.oregon.gov