

HOUSE BILL No. 6335

September 18, 2002, Introduced by Rep. Julian and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 13501, 13505, 13506, 13515, 13517, 13521, 13522, 13525, 13535, and 13536 (MCL 333.13501, 333.13505, 333.13506, 333.13515, 333.13517, 333.13521, 333.13522, 333.13525, 333.13535, and 333.13536), sections 13501 and 13522 as amended by 1994 PA 100 and section 13521 as amended by 1989 PA 56, and by adding part 135A; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13501. (1) As used in this part:

2 (a) "General license" means a license, effective pursuant to
3 rules promulgated by the department without the filing of an
4 application, to transfer, acquire, own, possess, or use
5 quantities of, or devices or equipment utilizing, radioactive
6 material.

1 (b) "Ionizing radiation" means gamma rays and x-rays, alpha
2 particles, beta particles, high speed electrons, neutrons, pro-
3 tons, high speed ions, and other high speed nuclear particles.

4 ~~(c) "Mammography" means radiography of the breast for the~~
5 ~~purpose of enabling a physician to determine the presence, size,~~
6 ~~location, and extent of cancerous or potentially cancerous tissue~~
7 ~~in the breast.~~

8 ~~(d) "Mammography authorization" means authorization under~~
9 ~~section 13523 to use a radiation machine for mammography.~~

10 ~~(e) "Mammography interpreter" means an individual who meets~~
11 ~~the requirements set forth in section 13523(2)(g) and is respon-~~
12 ~~sible for evaluating and interpreting mammographic images.~~

13 (C) ~~(f)~~ "Person" means a person as defined in section 1106
14 or a governmental entity.

15 (D) ~~(g)~~ "Radioactive material" means a solid, liquid, or
16 gas material ~~which~~ THAT emits ionizing radiation
17 spontaneously.

18 (E) ~~(h)~~ "Radiography" means the making of a film or other
19 record of an internal structure of the body by passing x-rays or
20 gamma rays through the body to act on film or other image
21 receptor.

22 (F) ~~(i)~~ "Registration" means registration of a source of
23 ionizing radiation in writing with the department.

24 (G) ~~(j)~~ "Source of ionizing radiation" means a device or
25 material that emits ionizing radiation.

26 (H) ~~(k)~~ "Specific license" means a license issued BY THE
27 DEPARTMENT to use, manufacture, produce, transfer, receive,

1 acquire, own, or possess quantities of, or devices or equipment
2 utilizing, radioactive material.

3 (2) In addition, article 1 contains general definitions and
4 principles of construction applicable to all articles in this
5 code.

6 Sec. 13505. A person shall not manufacture, produce,
7 transport, transfer, dispose of, acquire, own, possess, or use a
8 radioactive material or other source of ionizing radiation unless
9 THE PERSON IS licensed ~~, registered,~~ or exempted UNDER THIS
10 PART OR IS LICENSED OR EXEMPTED by the department in accordance
11 with rules promulgated ~~pursuant to~~ BY THE DEPARTMENT UNDER this
12 part. ~~or unless exempted by this part.~~

13 Sec. 13506. Sections 13505 and 13515 to 13536 do not apply
14 to the following sources or conditions, except as noted:

15 ~~(a) Electrical or other equipment or material not intended~~
16 ~~primarily to produce radiation which, by nature of design, does~~
17 ~~not produce radiation at the point of nearest approach at a~~
18 ~~weekly rate higher than 1/10 the appropriate limit generally~~
19 ~~accepted by the medical profession for any critical organ~~
20 ~~exposed. The production testing or production servicing of the~~
21 ~~equipment is not exempt.~~

22 ~~(b) A radiation machine during process of manufacture or in~~
23 ~~storage or transit. The production testing or production servic-~~
24 ~~ing of the machine is not exempt.~~

25 (A) ~~(c)~~ A radioactive material while being transported
26 under the jurisdiction of and in conformity with regulations
27 adopted by the nuclear regulatory commission or the United States

1 department of transportation, or their successors, specifically
2 applicable to the transportation of ~~such~~ THE radioactive
3 material.

4 (B) ~~(d)~~ Sound waves, radio waves, and visible, infrared,
5 or ultraviolet light.

6 (C) ~~(e)~~ A production or utilization facility, as defined
7 in the ~~federal~~ atomic energy act of 1954, ~~42 U.S.C. 2011 to~~
8 ~~2281~~ CHAPTER 1073, 68 STAT. 919, or a source of ionizing radi-
9 ation used in or in connection with the operation of a production
10 or utilization facility pursuant to a license from the federal
11 nuclear regulatory commission or ITS successor ~~thereto~~ AGENCY.
12 However, the department may collect radiation data and perform
13 environmental monitoring in connection with the operation of the
14 facility in accordance with this part.

15 (D) ~~(f)~~ A source material, by-product material, or special
16 nuclear material over which the federal nuclear regulatory com-
17 mission or ~~a~~ ITS successor ~~thereto~~ AGENCY has exclusive regu-
18 latory jurisdiction under the ~~federal~~ atomic energy act of
19 1954, CHAPTER 1073, 68 STAT. 919, which jurisdiction has not been
20 transferred to this state pursuant to an agreement under ~~Act~~
21 ~~No. 54 of the Public Acts of 1965, being sections 3.801 and~~
22 ~~3.802 of the Michigan Compiled Laws~~ 1965 PA 54, MCL 3.801 TO
23 3.802.

24 Sec. 13515. (1) The department is designated as the radi-
25 ation control agency of this state and shall coordinate radiation
26 control programs of state departments acting within their
27 statutory authorities.

1 (2) Pursuant to rules promulgated under this part, the
2 department shall require licensing ~~and registration~~ of radioac-
3 tive materials and other sources of ionizing radiation.

4 (3) The department shall develop and conduct programs for
5 evaluation and control of hazards associated with the use of
6 radioactive materials and other sources of ionizing radiation.

7 Sec. 13517. (1) The department may enter at all reasonable
8 times upon private or public property upon which sources of ion-
9 izing radiation are reasonably believed to be located, with the
10 permission of the owner or custodian ~~thereof~~ OF THE PROPERTY,
11 to determine if there is compliance with or violation of this
12 part or a rule PROMULGATED UNDER THIS PART or COMPLIANCE WITH OR
13 A VIOLATION OF A license ISSUED UNDER THIS PART.

14 (2) If the department has reasonable CAUSE or probable cause
15 to believe that a violation of this part or a rule PROMULGATED
16 UNDER THIS PART or A VIOLATION OF A license ISSUED UNDER THIS
17 PART is being committed on private or public property or that
18 there exists on the property evidence of a violation, and permis-
19 sion to enter ~~thereon~~ ON THE PROPERTY is denied by the owner or
20 custodian ~~thereof~~ OF THE PROPERTY, the department may apply to
21 the proper judicial officer under ~~Act No. 189 of the Public~~
22 ~~Acts of 1966, being sections 780.651 to 780.659 of the Michigan~~
23 ~~Compiled Laws~~ 1966 PA 189, MCL 780.651 TO 780.659, for a warrant
24 commanding the sheriff or a law enforcement officer, with the aid
25 of the department, to search the property and seize any source of
26 ionizing radiation that is possessed, controlled, or used wholly
27 or partially in violation of this part or a rule PROMULGATED

1 UNDER THIS PART or IN VIOLATION OF A license ISSUED UNDER THIS
2 PART, or any evidence of a violation of this part or a rule or
3 license.

4 Sec. 13521. (1) The department shall promulgate rules pro-
5 viding for general or specific licenses ~~or registration,~~ or
6 exemption from licensing ~~or registration,~~ for radioactive mate-
7 rials and other sources of ionizing radiation. The rules shall
8 provide for amendment, suspension, or revocation of licenses. In
9 ~~connection with those~~ PROMULGATING rules UNDER THIS SUBSECTION,
10 the department may ~~promulgate rules to~~ establish requirements
11 for record keeping, permissible levels of exposure, notification
12 and reports of accidents, protective measures, technical qualifi-
13 cations of personnel, handling, transportation, storage, waste
14 disposal, posting and labeling of hazardous sources and areas,
15 surveys, and monitoring.

16 (2) The rules PROMULGATED UNDER SUBSECTION (1) shall not
17 limit the intentional exposure of patients to radiation for the
18 purpose of lawful therapy or research conducted by licensed
19 health professionals.

20 ~~(3) The department shall promulgate rules specifying the~~
21 ~~minimum training and performance standards for an individual~~
22 ~~using a radiation machine for mammography as set forth in~~
23 ~~section 13523.~~

24 Sec. 13522. (1) In promulgating rules pursuant to this
25 part, the department shall avoid requiring dual licensing, inso-
26 far as practical. Rules promulgated by the department may
27 provide for recognition of other state or federal licenses as the

1 department considers desirable. ~~, subject to registration~~
2 ~~requirements prescribed by the department.~~ A person who, on the
3 effective date of an agreement under ~~Act No. 54 of the Public~~
4 ~~Acts of 1965, being sections 3.801 to 3.802 of the Michigan~~
5 ~~Compiled Laws~~ 1965 PA 54, MCL 3.801 TO 3.802, possesses a
6 license issued by the federal government for a source of ionizing
7 radiation of the type for which the state assumes regulatory
8 responsibility under the agreement, is considered to possess an
9 identical license issued pursuant to this part, which license
10 expires either 90 days after receipt of a written notice of ter-
11 mination from the department or on the date of expiration stated
12 in the federal license, whichever occurs first.

13 (2) The department may promulgate rules to establish a
14 schedule of fees to be paid by applicants for licenses for radio-
15 active materials and devices and equipment utilizing the radioac-
16 tive materials.

17 (3) Except as otherwise provided in this subsection, the
18 department may promulgate rules to establish a schedule of fees
19 to be paid by an applicant for a license for other sources of
20 ionizing radiation and the renewal of the license. ~~, and by a~~
21 ~~person possessing sources of ionizing radiation that are subject~~
22 ~~to registration. The registration or registration renewal fee~~
23 ~~for a radiation machine registered under this part is \$45.00 for~~
24 ~~the first veterinary or dental x-ray or electron tube and \$25.00~~
25 ~~for each additional veterinary or dental x-ray or electron tube~~
26 ~~annually, or \$75.00 annually per nonveterinary or nondental x-ray~~
27 ~~or electron tube. The department shall not assess a fee for the~~

1 ~~amendment of a radiation machine registration certificate. In~~
 2 ~~addition, the department shall assess a fee of \$100.00 for each~~
 3 ~~follow-up inspection due to noncompliance during the same year.~~
 4 The department may accept a written certification from the
 5 licensee ~~or registrant~~ that the items of noncompliance have
 6 been corrected instead of performing a follow-up inspection. If
 7 the department does not inspect a source of ionizing radiation
 8 for a period of 5 consecutive years, the licensee ~~or registrant~~
 9 of the source of ionizing radiation does not have to pay further
 10 license ~~or registration~~ fees as to that source of ionizing
 11 radiation until the first license ~~or registration~~ renewal date
 12 following the time an inspection of the source of ionizing radi-
 13 ation is made.

14 (4) A fee collected under this part shall be deposited in
 15 the state treasury and credited to the general fund of this
 16 state.

17 ~~(5) Except as otherwise provided in subsection (6), the~~
 18 ~~department shall assess the following nonrefundable fees in con-~~
 19 ~~nection with mammography authorization:~~

20 ~~(a) Inspection, per radiation machine..... \$ 100.00~~

21 ~~(b) Reinspection for reinstatement of mammogra-~~
 22 ~~phy authorization, per radiation machine..... \$ 100.00~~

23 ~~(c) Department evaluation of compliance with~~
 24 ~~section 13523(2)(a), per radiation machine..... \$ 700.00~~

25 ~~Each reevaluation of a radiation machine due~~
 26 ~~to failure during the previous evaluation, relocation~~

1 of the radiation machine, or similar changes that
2 could affect earlier evaluation results..... \$ 300.00.

3 ~~(6) If an applicant for mammography authorization submits an~~
4 ~~evaluation report issued by the American college of radiology~~
5 ~~that evidences compliance with section 13523(2)(a), the depart-~~
6 ~~ment shall waive the fee under subsection (5) for department~~
7 ~~evaluation of compliance with that provision.~~

8 (5) ~~(7)~~ Except as otherwise provided in ~~subsections~~
9 SUBSECTION (3), ~~and (6),~~ the department shall not waive a fee
10 required under this section.

11 (6) ~~(8)~~ The department shall adjust on an annual basis the
12 fees prescribed by ~~subsections~~ SUBSECTION (3) ~~and (5)~~ by an
13 amount determined by the state treasurer to reflect the cumula-
14 tive annual percentage change in the Detroit consumer price
15 index, not to exceed 5%. As used in this subsection, "Detroit
16 consumer price index" means the most comprehensive index of con-
17 sumer prices available for the Detroit area from the bureau of
18 labor statistics of the United States department of labor.

19 Sec. 13525. A municipality or a department, agency, or
20 official of a municipality ~~may~~ SHALL not license ~~,~~ OR regu-
21 late ~~,~~ ~~or require the registration of~~ a radioactive material or
22 other source of ionizing radiation.

23 Sec. 13535. A person who violates this part or a rule
24 promulgated under this part or who fails to obtain or comply with
25 conditions of licensure ~~or registration~~ under this part is
26 guilty of a misdemeanor, punishable by imprisonment for not more
27 than 180 days, or a fine of not more than \$10,000.00, or both. A

1 court may fine a person not more than \$2,000.00 for each
2 violation of this part. Each day a violation continues ~~shall~~
3 ~~be~~ IS a separate violation.

4 Sec. 13536. If, after thorough investigation by the
5 department, it is the judgment of the department that a person
6 has engaged in or is about to engage in an act or practice
7 ~~which~~ THAT constitutes a violation of this part or OF a rule or
8 order PROMULGATED OR ISSUED UNDER THIS PART, the attorney gener-
9 al, at the request of the department, shall ~~make application~~
10 APPLY to the appropriate circuit court for an order enjoining the
11 act or practice or for an order directing compliance with this
12 part or a rule or order PROMULGATED OR issued ~~pursuant to~~ UNDER
13 this part.

14 PART 135A. RADIATION MACHINE CONTROL

15 SEC. 13551. (1) AS USED IN THIS PART:

16 (A) "IONIZING RADIATION" MEANS GAMMA RAYS AND X-RAYS, ALPHA
17 PARTICLES, BETA PARTICLES, HIGH SPEED ELECTRONS, NEUTRONS, PRO-
18 TONS, HIGH SPEED IONS, AND OTHER HIGH SPEED NUCLEAR PARTICLES.

19 (B) "MAMMOGRAPHY" MEANS RADIOGRAPHY OF THE BREAST FOR THE
20 PURPOSE OF ENABLING A PHYSICIAN TO DETERMINE THE PRESENCE, SIZE,
21 LOCATION, AND EXTENT OF CANCEROUS OR POTENTIALLY CANCEROUS TISSUE
22 IN THE BREAST.

23 (C) "MAMMOGRAPHY AUTHORIZATION" MEANS AUTHORIZATION UNDER
24 SECTION 13573 TO USE A RADIATION MACHINE FOR MAMMOGRAPHY.

25 (D) "MAMMOGRAPHY INTERPRETING PHYSICIAN" MEANS A PHYSICIAN
26 WHO MEETS THE REQUIREMENTS SET FORTH IN SECTION 13573(2)(G) AND

1 IS RESPONSIBLE FOR EVALUATING AND INTERPRETING MAMMOGRAPHIC
2 IMAGES.

3 (E) "MAMMOGRAPHY SYSTEM" MEANS THE RADIATION MACHINE USED
4 FOR MAMMOGRAPHY; AUTOMATIC EXPOSURE CONTROL DEVICES; IMAGING SYS-
5 TEMS; IMAGE PROCESSOR; DARKROOM; AND VIEWBOXES.

6 (F) "NON-IONIZING RADIATION" MEANS SOUND WAVES, RADAR WAVES,
7 MICROWAVES, RADIO FREQUENCY FIELDS, MAGNETIC FIELDS, AND VISIBLE,
8 INFRARED, OR ULTRAVIOLET LIGHT.

9 (G) "NON-IONIZING RADIATION DEVICE" MEANS A MACHINE OR
10 DEVICE THAT PRODUCES NON-IONIZING RADIATION IN INTENSITIES OR
11 FREQUENCIES SUBJECT TO REGULATION BY DEPARTMENT RULE.

12 (H) "PERSON" MEANS A PERSON AS DEFINED IN SECTION 1106 OR A
13 GOVERNMENTAL ENTITY.

14 (I) "RADIATION MACHINE" MEANS A MACHINE OR DEVICE THAT
15 PRODUCES IONIZING RADIATION IN ENERGIES OR INTENSITIES SUBJECT TO
16 REGULATION BY DEPARTMENT RULE.

17 (J) "RADIOGRAPHY" MEANS THE MAKING OF A FILM OR OTHER RECORD
18 OF AN INTERNAL STRUCTURE OF THE BODY BY PASSING X-RAYS THROUGH
19 THE BODY TO ACT ON FILM OR OTHER IMAGE RECEPTOR.

20 (K) "REGISTRATION" MEANS REGISTRATION OF A RADIATION MACHINE
21 IN WRITING WITH THE DEPARTMENT.

22 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND
23 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS
24 CODE.

25 SEC. 13555. A PERSON SHALL NOT MANUFACTURE, PRODUCE, TRANS-
26 PORT, TRANSFER, DISPOSE OF, ACQUIRE, OWN, POSSESS, OR USE A
27 RADIATION MACHINE UNLESS THE RADIATION MACHINE IS REGISTERED OR

1 EXEMPTED BY THIS PART OR BY THE DEPARTMENT IN ACCORDANCE WITH
2 RULES PROMULGATED BY THE DEPARTMENT UNDER THIS PART.

3 SEC. 13556. SECTIONS 13555 AND 13565 TO 13586 DO NOT APPLY
4 TO THE FOLLOWING SOURCES OR CONDITIONS, EXCEPT AS NOTED:

5 (A) ELECTRICAL OR OTHER EQUIPMENT OR MATERIAL NOT INTENDED
6 PRIMARILY TO PRODUCE RADIATION WHICH, BY NATURE OF DESIGN, DOES
7 NOT PRODUCE RADIATION AT THE POINT OF NEAREST APPROACH AT A
8 WEEKLY RATE HIGHER THAN 1/10 THE APPROPRIATE LIMIT GENERALLY
9 ACCEPTED BY THE MEDICAL PROFESSION FOR ANY CRITICAL ORGAN
10 EXPOSED. THE PRODUCTION TESTING OR PRODUCTION SERVICING OF THE
11 EQUIPMENT IS NOT EXEMPT.

12 (B) A RADIATION MACHINE DURING PROCESS OF MANUFACTURE OR IN
13 STORAGE OR TRANSIT. THE PRODUCTION TESTING OR PRODUCTION SERVIC-
14 ING OF THE RADIATION MACHINE IS NOT EXEMPT.

15 (C) NON-IONIZING RADIATION SOURCES OR DEVICES, UNLESS SPE-
16 CIFICALLY ADDRESSED BY RULE PROMULGATED BY THE DEPARTMENT UNDER
17 THIS PART.

18 SEC. 13561. (1) THE GOVERNOR MAY ENTER INTO AGREEMENTS WITH
19 THE FEDERAL GOVERNMENT, OTHER STATES, OR INTERSTATE AGENCIES,
20 WHEREBY THE DEPARTMENT SHALL PERFORM FOR OR ON A COOPERATIVE
21 BASIS WITH THE FEDERAL GOVERNMENT, OTHER STATES, OR INTERSTATE
22 AGENCIES INSPECTIONS OR OTHER FUNCTIONS RELATING TO CONTROL OF
23 RADIATION MACHINES.

24 (2) AN AGREEMENT ENTERED INTO UNDER SUBSECTION (1) DOES NOT
25 TRANSFER, DELEGATE, OR IMPOSE UPON THE DEPARTMENT ANY POWER,
26 AUTHORITY, OR RESPONSIBILITY THAT IS NOT FULLY CONSISTENT WITH
27 THIS PART.

1 SEC. 13565. (1) THE DEPARTMENT IS DESIGNATED AS THE
2 RADIATION MACHINE CONTROL AGENCY OF THIS STATE.

3 (2) PURSUANT TO RULES PROMULGATED UNDER THIS PART, THE
4 DEPARTMENT SHALL REQUIRE REGISTRATION OF RADIATION MACHINES.

5 (3) THE DEPARTMENT SHALL DEVELOP AND CONDUCT PROGRAMS FOR
6 EVALUATION AND CONTROL OF HAZARDS ASSOCIATED WITH THE USE OF
7 RADIATION MACHINES.

8 (4) THE DEPARTMENT MAY DEVELOP AND CONDUCT PROGRAMS FOR
9 EVALUATION AND CONTROL OF HAZARDS ASSOCIATED WITH THE USE OF
10 NON-IONIZING RADIATION DEVICES.

11 SEC. 13566. IF THE DEPARTMENT FINDS THAT AN EMERGENCY
12 EXISTS REQUIRING IMMEDIATE ACTION TO PROTECT OCCUPATIONAL OR
13 PUBLIC HEALTH AND SAFETY, THE DEPARTMENT SHALL ISSUE AN ORDER,
14 WITH OR WITHOUT NOTICE OR HEARING, RECITING THE EXISTENCE OF THE
15 EMERGENCY AND PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH
16 AND SAFETY. NOTWITHSTANDING THIS ACT OR THE ADMINISTRATIVE PRO-
17 CEDURES ACT OF 1969, THE ORDER IS EFFECTIVE IMMEDIATELY. A
18 PERSON TO WHOM THE ORDER IS DIRECTED SHALL COMPLY WITH THE ORDER
19 IMMEDIATELY. HOWEVER, UPON REQUEST, THE DEPARTMENT SHALL GRANT
20 THE PERSON A HEARING ON THE ORDER OR ON AN ISSUE CONCERNING THE
21 ORDER WITHIN 15 DAYS AFTER RECEIPT OF THE REQUEST. ON THE BASIS
22 OF THE FINDINGS OF FACT AND CONCLUSIONS OF LAW MADE AT THE HEAR-
23 ING, THE DEPARTMENT SHALL CONTINUE, MODIFY, OR REVOKE THE ORDER
24 WITHIN 30 DAYS AFTER THE HEARING.

25 SEC. 13567. (1) THE DEPARTMENT MAY ENTER AT ALL REASONABLE
26 TIMES UPON PRIVATE OR PUBLIC PROPERTY UPON WHICH RADIATION
27 MACHINES ARE REASONABLY BELIEVED TO BE LOCATED, WITH THE

1 PERMISSION OF THE OWNER OR CUSTODIAN OF THE PROPERTY, TO
2 DETERMINE IF THE RADIATION MACHINE IS IN COMPLIANCE WITH THIS
3 PART AND THE RULES PROMULGATED UNDER THIS PART.

4 (2) IF THE DEPARTMENT HAS PROBABLE CAUSE TO BELIEVE THAT A
5 VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER THIS PART IS
6 BEING COMMITTED ON PRIVATE OR PUBLIC PROPERTY OR THAT THERE
7 EXISTS ON THE PROPERTY EVIDENCE OF SUCH A VIOLATION, AND PERMIS-
8 SION TO ENTER ON THE PROPERTY IS DENIED BY THE OWNER OR CUSTODIAN
9 OF THE PROPERTY, THE DEPARTMENT MAY MAKE AN AFFIDAVIT FOR A
10 SEARCH WARRANT UNDER 1966 PA 189, MCL 780.651 TO 780.659. THE
11 SEARCH WARRANT ISSUED TO THE DEPARTMENT UNDER 1966 PA 189, MCL
12 780.651 TO 780.659, WILL COMMAND THE SHERIFF OR A LAW ENFORCEMENT
13 OFFICER, WITH THE AID OF THE DEPARTMENT, TO SEARCH THE PROPERTY
14 AND SEIZE THE RADIATION MACHINE THAT IS POSSESSED, CONTROLLED, OR
15 USED WHOLLY OR PARTIALLY IN VIOLATION OF THIS PART OR A RULE
16 PROMULGATED UNDER THIS PART, OR EVIDENCE OF A VIOLATION OF THIS
17 PART OR A RULE PROMULGATED UNDER THIS PART.

18 SEC. 13571. (1) THE DEPARTMENT SHALL PROMULGATE RULES PRO-
19 VIDING FOR THE REGISTRATION OF RADIATION MACHINES. THE DEPART-
20 MENT MAY PROMULGATE RULES FOR THE REGISTRATION OF NON-IONIZING
21 RADIATION DEVICES. IN PROMULGATING RULES UNDER THIS SUBSECTION,
22 THE DEPARTMENT MAY ESTABLISH REQUIREMENTS FOR EXEMPTION FROM REG-
23 ISTRATION, RECORD KEEPING, PERMISSIBLE LEVELS OF EXPOSURE, NOTI-
24 FICATION AND REPORTS OF ACCIDENTS, PROTECTIVE MEASURES, TECHNICAL
25 QUALIFICATIONS OF PERSONNEL, HANDLING, POSTING AND LABELING OF
26 HAZARDOUS MACHINES, DEVICES, AND AREAS, SURVEYS, AND MONITORING.

1 (2) IN PROMULGATING RULES UNDER SUBSECTION (1), THE
2 DEPARTMENT SHALL NOT LIMIT THE INTENTIONAL EXPOSURE OF A PATIENT
3 TO RADIATION FOR THE PURPOSE OF LAWFUL THERAPY OR RESEARCH CON-
4 DUCTED BY A LICENSED HEALTH PROFESSIONAL.

5 (3) THE DEPARTMENT SHALL PROMULGATE RULES SPECIFYING THE
6 MINIMUM TRAINING AND PERFORMANCE STANDARDS FOR AN INDIVIDUAL
7 USING A RADIATION MACHINE FOR MAMMOGRAPHY AS SET FORTH IN SECTION
8 13573.

9 (4) THE DEPARTMENT SHALL PROMULGATE RULES SPECIFYING THE
10 MINIMUM TRAINING AND PERFORMANCE STANDARDS FOR AN INDIVIDUAL
11 USING A RADIATION MACHINE FOR HUMAN SCREENING OR FOR DIAGNOSTIC
12 OR THERAPEUTIC PURPOSES.

13 SEC. 13572. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUB-
14 SECTION, THE DEPARTMENT MAY PROMULGATE RULES TO ESTABLISH A
15 SCHEDULE OF FEES TO BE PAID BY AN APPLICANT FOR THE REGISTRATION
16 OF A RADIATION MACHINE OR A NON-IONIZING RADIATION DEVICE. THE
17 REGISTRATION OR REGISTRATION RENEWAL FEE FOR A RADIATION MACHINE
18 REGISTERED UNDER THIS PART IS \$45.00 FOR THE FIRST VETERINARY OR
19 DENTAL X-RAY OR ELECTRON TUBE AND \$25.00 FOR EACH ADDITIONAL VET-
20 ERINARY OR DENTAL X-RAY OR ELECTRON TUBE ANNUALLY, OR \$75.00
21 ANNUALLY PER NONVETERINARY OR NONDENTAL X-RAY OR ELECTRON TUBE.
22 THE DEPARTMENT SHALL NOT ASSESS A FEE FOR THE AMENDMENT OF A
23 RADIATION MACHINE REGISTRATION CERTIFICATE. IN ADDITION, THE
24 DEPARTMENT SHALL ASSESS A FEE OF \$100.00 FOR EACH FOLLOW-UP
25 INSPECTION DUE TO NONCOMPLIANCE DURING THE SAME YEAR. THE
26 DEPARTMENT MAY ACCEPT A WRITTEN CERTIFICATION FROM THE REGISTRANT
27 THAT THE ITEMS OF NONCOMPLIANCE HAVE BEEN CORRECTED INSTEAD OF

1 PERFORMING A FOLLOW-UP INSPECTION. IF THE DEPARTMENT DOES NOT
2 INSPECT A RADIATION MACHINE OR NON-IONIZING RADIATION DEVICE FOR
3 A PERIOD OF 5 CONSECUTIVE YEARS, THE REGISTRANT OF THE RADIATION
4 MACHINE OR NON-IONIZING RADIATION DEVICE DOES NOT HAVE TO PAY
5 FURTHER REGISTRATION FEES AS TO THAT RADIATION MACHINE OR
6 NON-IONIZING RADIATION DEVICE UNTIL THE FIRST REGISTRATION
7 RENEWAL DATE FOLLOWING THE TIME AN INSPECTION OF THE RADIATION
8 MACHINE OR NON-IONIZING RADIATION DEVICE IS MADE.

9 (2) A FEE COLLECTED UNDER THIS PART SHALL BE DEPOSITED IN
10 THE STATE TREASURY AND CREDITED TO THE GENERAL FUND OF THIS
11 STATE.

12 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), THE
13 DEPARTMENT SHALL ASSESS THE FOLLOWING NONREFUNDABLE FEES IN CON-
14 NECTION WITH MAMMOGRAPHY AUTHORIZATION:

15 (A) INSPECTION, PER RADIATION MACHINE..... \$ 100.00

16 (B) REINSPECTION FOR REINSTATEMENT OF MAMMOGRA-
17 PHY AUTHORIZATION, PER RADIATION MACHINE..... \$ 100.00

18 (C) DEPARTMENT EVALUATION OF COMPLIANCE WITH
19 SECTION 13573(2)(A), PER RADIATION MACHINE..... \$ 700.00

20 (D) EACH REEVALUATION OF A RADIATION MACHINE DUE
21 TO FAILURE DURING THE PREVIOUS EVALUATION, RELOCATION
22 OF THE RADIATION MACHINE, OR SIMILAR CHANGES THAT
23 COULD AFFECT EARLIER EVALUATION RESULTS..... \$ 300.00.

24 (4) IF AN APPLICANT FOR MAMMOGRAPHY AUTHORIZATION SUBMITS AN
25 EVALUATION REPORT ISSUED BY THE AMERICAN COLLEGE OF RADIOLOGY
26 THAT EVIDENCES COMPLIANCE WITH SECTION 13573(2)(A), THE

1 DEPARTMENT SHALL WAIVE THE FEE UNDER SUBSECTION (3) FOR
2 DEPARTMENT EVALUATION OF COMPLIANCE WITH THAT PROVISION.

3 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (1) AND (4),
4 THE DEPARTMENT SHALL NOT WAIVE A FEE REQUIRED UNDER THIS
5 SECTION.

6 (6) THE DEPARTMENT SHALL ADJUST ON AN ANNUAL BASIS THE FEES
7 PRESCRIBED BY SUBSECTIONS (1) AND (3) BY AN AMOUNT DETERMINED BY
8 THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL PERCENTAGE
9 CHANGE IN THE DETROIT CONSUMER PRICE INDEX, NOT TO EXCEED 5%. AS
10 USED IN THIS SUBSECTION, "DETROIT CONSUMER PRICE INDEX" MEANS THE
11 MOST COMPREHENSIVE INDEX OF CONSUMER PRICES AVAILABLE FOR THE
12 DETROIT AREA FROM THE BUREAU OF LABOR STATISTICS OF THE UNITED
13 STATES DEPARTMENT OF LABOR.

14 SEC. 13573. (1) A PERSON SHALL NOT USE A RADIATION MACHINE
15 TO PERFORM MAMMOGRAPHY UNLESS THE RADIATION MACHINE IS REGISTERED
16 WITH THE DEPARTMENT UNDER DEPARTMENT RULES FOR REGISTRATION OF
17 RADIATION MACHINES AND IS SPECIFICALLY AUTHORIZED UNDER THIS SEC-
18 TION FOR USE FOR MAMMOGRAPHY.

19 (2) THE DEPARTMENT SHALL AUTHORIZE A RADIATION MACHINE FOR
20 USE FOR MAMMOGRAPHY IF THE RADIATION MACHINE, THE PERSONNEL OPER-
21 ATING THE RADIATION MACHINE, AND THE FACILITY IN WHICH THE RADI-
22 ATION MACHINE IS USED MEET ALL OF THE FOLLOWING STANDARDS:

23 (A) THE RADIATION MACHINE AND THE FACILITY IN WHICH THE
24 RADIATION MACHINE IS USED MEET THE CRITERIA FOR THE AMERICAN COL-
25 LEGE OF RADIOLOGY MAMMOGRAPHY ACCREDITATION PROGRAM DATED AUGUST,
26 1993 AND AMENDED 1995 (RES. 24, 53) AND PUBLISHED BY THE AMERICAN
27 COLLEGE OF RADIOLOGY IN THE DOCUMENTS ENTITLED "ACR STANDARDS FOR

1 THE PERFORMANCE OF SCREENING MAMMOGRAPHY", WHICH DOCUMENTS AND
2 CRITERIA ARE INCORPORATED BY REFERENCE, EXCLUDING THE PHYSICIAN
3 INTERPRETER AND THE ACCREDITATION FEE SCHEDULE. THE DEPARTMENT
4 SHALL MAKE COPIES OF THOSE CRITERIA AVAILABLE TO THE PUBLIC AND
5 MAY BY RULE ADOPT MODIFIED CRITERIA. THE DEPARTMENT MAY ACCEPT
6 AN EVALUATION REPORT ISSUED BY THE AMERICAN COLLEGE OF RADIOLOGY
7 AS EVIDENCE THAT A RADIATION MACHINE, THE PERSONNEL OPERATING THE
8 RADIATION MACHINE, AND THE FACILITY IN WHICH THE RADIATION
9 MACHINE IS USED MEET THOSE CRITERIA. IF AT ANY TIME THE DEPART-
10 MENT DETERMINES THAT IT WILL NOT ACCEPT ANY EVALUATION REPORTS
11 ISSUED BY THE AMERICAN COLLEGE OF RADIOLOGY AS EVIDENCE THAT A
12 RADIATION MACHINE, THE PERSONNEL OPERATING THE RADIATION MACHINE,
13 AND THE FACILITY IN WHICH THE RADIATION MACHINE IS USED MEET
14 THOSE CRITERIA, THE DEPARTMENT SHALL PROMPTLY NOTIFY EACH PERSON
15 WHO HAS REGISTERED A RADIATION MACHINE USED EXCLUSIVELY TO PER-
16 FORM MAMMOGRAPHY UNDER THIS PART AND THE RULES PROMULGATED UNDER
17 THIS PART.

18 (B) THE RADIATION MACHINE, THE FILM OR OTHER IMAGE RECEPTOR
19 USED IN THE RADIATION MACHINE, AND THE FACILITY IN WHICH THE
20 RADIATION MACHINE IS USED MEET THE REQUIREMENTS SET FORTH IN
21 DEPARTMENT RULES FOR RADIATION MACHINES.

22 (C) THE RADIATION MACHINE IS SPECIFICALLY DESIGNED TO PER-
23 FORM MAMMOGRAPHY.

24 (D) THE FACILITY IN WHICH THE RADIATION MACHINE IS USED DOES
25 ALL OF THE FOLLOWING:

26 (i) AT LEAST ANNUALLY HAS A QUALIFIED RADIATION PHYSICIST
27 PROVIDE ON-SITE CONSULTATION TO THE FACILITY, INCLUDING, BUT NOT

1 LIMITED TO, A COMPLETE EVALUATION OF THE ENTIRE MAMMOGRAPHY
2 SYSTEM TO ENSURE COMPLIANCE WITH THIS PART AND THE RULES PROMUL-
3 GATED UNDER THIS PART.

4 (ii) MAINTAINS FOR AT LEAST 7 YEARS RECORDS OF THE CONSULTA-
5 TION REQUIRED IN SUBPARAGRAPH (i) AND THE FINDINGS OF THE
6 CONSULTATION.

7 (iii) DESIGNATES AN ALLOPATHIC PHYSICIAN OR AN OSTEOPATHIC
8 PHYSICIAN LICENSED UNDER ARTICLE 15 AS THE LEAD INTERPRETING
9 PHYSICIAN. THE DESIGNATED PHYSICIAN IS RESPONSIBLE FOR THE CLIN-
10 ICAL ASPECTS OF THE X-RAY EXAMINATIONS AND OTHER PROCEDURES
11 RELATED TO MAMMOGRAPHY. THE PHYSICIAN DESIGNATED UNDER THIS SUB-
12 PARAGRAPH IS ALSO RESPONSIBLE FOR CONDUCTING AN ON-SITE VISIT TO
13 EACH MAMMOGRAPHY STATION WITHIN THE FACILITY AT LEAST MONTHLY FOR
14 THE PURPOSE OF PROVIDING PROFESSIONAL FEEDBACK REGARDING CLINICAL
15 IMAGE QUALITY AND QUALITY ASSURANCE PROCEDURES, FOR REVIEW OF
16 QUALITY CONTROL DOCUMENTATION, AND FOR ENSURING THAT SAFE OPERAT-
17 ING PROCEDURES ARE USED IN THE DELIVERY OF MAMMOGRAPHIC
18 SERVICES. IF THE PHYSICIAN DESIGNATED UNDER THIS SUBPARAGRAPH
19 PRACTICES PRIMARILY OUTSIDE OF THE FACILITY, THE PHYSICIAN SHALL
20 KEEP A LOG OF EACH ON-SITE VISIT SIGNED BY THE PHYSICIAN. THE
21 CHIEF ADMINISTRATIVE OFFICER OF THE FACILITY OR HIS OR HER DESIG-
22 NEE MAY REQUEST TO VIEW THE LOG AT ANY TIME. THE PHYSICIAN DES-
23 IGNATED UNDER THIS SUBPARAGRAPH SHALL MEET THE REQUIREMENTS OF
24 SUBDIVISION (G)(i) AND (v).

25 (iv) SUBMITS, AS PART OF THE APPLICATION FOR AUTHORIZATION
26 AND SUBSEQUENT RENEWALS, EVIDENCE OF A SURETY BOND, SECURED TRUST
27 FUND, OR OTHER SUITABLE SECURED INSTRUMENT OR MECHANISM THAT IS

1 APPROVED BY THE DEPARTMENT AND THAT INSURES PROPER PATIENT
2 MAMMOGRAPHY RECORD AND FILM HANDLING AND TRANSFER IN THE EVENT OF
3 FACILITY CLOSURE. THE FACILITY SHALL ATTEST THAT THE METHOD OF
4 COVERAGE CHOSEN WILL COMPLETELY COVER ALL COSTS INVOLVED AND WILL
5 BE ADJUSTED, AS NEEDED, ACCORDINGLY.

6 (E) THE RADIATION MACHINE IS USED ACCORDING TO DEPARTMENT
7 RULES ON PATIENT RADIATION EXPOSURE AND RADIATION DOSE LEVELS.

8 (F) EACH INDIVIDUAL WHO OPERATES THE RADIATION MACHINE CAN
9 DEMONSTRATE TO THE DEPARTMENT THAT HE OR SHE IS SPECIFICALLY
10 TRAINED IN MAMMOGRAPHY AND MEETS THE STANDARDS REQUIRED BY THE
11 RULES PROMULGATED UNDER SECTION 13571(3) OR IS AN ALLOPATHIC PHY-
12 SICIAN OR AN OSTEOPATHIC PHYSICIAN.

13 (G) THE X-RAY IMAGES OF EACH MAMMOGRAPHIC EXAMINATION PER-
14 FORMED WITH THE RADIATION MACHINE ARE INTERPRETED BY A MAMMOGRA-
15 PHY INTERPRETING PHYSICIAN WHO IS AN ALLOPATHIC PHYSICIAN OR AN
16 OSTEOPATHIC PHYSICIAN LICENSED UNDER ARTICLE 15 AND WHO MEETS ALL
17 OF THE FOLLOWING REQUIREMENTS:

18 (i) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH, IS
19 CERTIFIED IN RADIOLOGY OR DIAGNOSTIC RADIOLOGY BY THE AMERICAN
20 BOARD OF RADIOLOGY OR THE AMERICAN OSTEOPATHIC BOARD OF RADIOLO-
21 GY, HAS BEEN ELIGIBLE FOR CERTIFICATION IN RADIOLOGY OR DIAGNOS-
22 TIC RADIOLOGY FOR NOT MORE THAN 3 YEARS, OR IS CERTIFIED OR
23 DETERMINED TO BE QUALIFIED IN RADIOLOGY OR DIAGNOSTIC RADIOLOGY
24 BY ANOTHER PROFESSIONAL ORGANIZATION APPROVED BY THE DEPARTMENT.

25 (ii) SHALL HAVE SUCCESSFULLY COMPLETED NOT LESS THAN 3
26 MONTHS OF FORMAL TRAINING IN READING MAMMOGRAMS WITH INSTRUCTION
27 IN MEDICAL RADIATION PHYSICS, RADIATION EFFECTS, AND RADIATION

1 PROTECTION AND HAS DOCUMENTATION OF SUCCESSFUL COMPLETION OF THE
2 TRAINING THAT IS SATISFACTORY TO THE DEPARTMENT. FOR PURPOSES OF
3 THIS SUBPARAGRAPH, THE DEPARTMENT MAY ACCEPT TIME SPENT IN A RES-
4 IDENCY PROGRAM THAT INCLUDES SPECIFIC TRAINING IN MAMMOGRAPHY IF
5 THE INDIVIDUAL HAS DOCUMENTATION OF THE RESIDENCY PROGRAM THAT IS
6 SATISFACTORY TO THE DEPARTMENT.

7 (iii) SHALL HAVE INITIAL TRAINING THAT INCLUDES DOCUMENTED
8 INTERPRETATION OF NOT LESS THAN 240 MAMMOGRAPHIC EXAMINATIONS IN
9 THE 6 MONTHS IMMEDIATELY PRECEDING THE PERFORMANCE OF INDEPENDENT
10 INTERPRETATION.

11 (iv) SHALL HAVE INTERPRETED OR MULTI-READ NOT LESS THAN 960
12 MAMMOGRAPHIC EXAMINATIONS DURING THE 24 MONTHS IMMEDIATELY PRE-
13 CEDING THE DATE OF THE MAMMOGRAPHY FACILITY'S ANNUAL INSPECTION
14 OR THE LAST DAY OF THE CALENDAR QUARTER PRECEDING THAT INSPEC-
15 TION, OR ANY DAY IN BETWEEN THOSE 2 DAYS. THE MAMMOGRAPHY FACIL-
16 ITY SHALL CHOOSE 1 OF THE 3 DATES TO DETERMINE THE 24-MONTH
17 PERIOD OF THIS SUBPARAGRAPH.

18 (v) SHALL SUCCESSFULLY COMPLETE OR TEACH NOT LESS THAN 15
19 HOURS OF CONTINUING MEDICAL EDUCATION EVERY 3 YEARS AFTER THE
20 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS PART IN THE
21 TECHNICAL ASPECTS OR CLINICAL ASPECTS, OR BOTH, OF MAMMOGRAPHY IN
22 COURSES OR PROGRAMS APPROVED BY THE INDIVIDUAL'S RESPECTIVE SPE-
23 CIALTY ORGANIZATION AND LICENSING BOARD AND HAS DOCUMENTATION OF
24 SUCCESSFUL COMPLETION OR TEACHING THAT IS SATISFACTORY TO THE
25 DEPARTMENT.

1 (vi) MAINTAINS ANNUAL RECORDS CONCERNING OUTCOME DATA FOR
2 CORRELATION OF POSITIVE MAMMOGRAMS TO BIOPSIES DONE, AND THE
3 NUMBER OF CANCERS DETECTED.

4 (3) THE DEPARTMENT MAY ISSUE A NONRENEWABLE TEMPORARY AUTHO-
5 RIZATION FOR A RADIATION MACHINE FOR USE FOR MAMMOGRAPHY IF ADDI-
6 TIONAL TIME IS NEEDED TO ALLOW SUBMISSION OF EVIDENCE SATISFAC-
7 TORY TO THE DEPARTMENT THAT THE RADIATION MACHINE, THE PERSONNEL
8 OPERATING THE RADIATION MACHINE, AND THE FACILITY IN WHICH THE
9 RADIATION MACHINE IS USED MEET THE STANDARDS SET FORTH IN
10 SUBSECTION (2) FOR APPROVAL FOR MAMMOGRAPHY. A TEMPORARY AUTHO-
11 RIZATION GRANTED UNDER THIS SUBSECTION IS EFFECTIVE FOR NO MORE
12 THAN 12 MONTHS. THE DEPARTMENT MAY WITHDRAW A TEMPORARY AUTHORI-
13 ZATION BEFORE ITS EXPIRATION IF THE RADIATION MACHINE, THE PER-
14 SONNEL OPERATING THE RADIATION MACHINE, OR THE FACILITY IN WHICH
15 THE RADIATION MACHINE IS USED DOES NOT MEET 1 OR MORE OF THE
16 STANDARDS SET FORTH IN SUBSECTION (2).

17 (4) TO OBTAIN AUTHORIZATION FROM THE DEPARTMENT TO USE A
18 RADIATION MACHINE FOR MAMMOGRAPHY, THE PERSON WHO OWNS OR LEASES
19 THE RADIATION MACHINE OR AN AUTHORIZED AGENT OF THE PERSON SHALL
20 APPLY TO THE DEPARTMENT FOR MAMMOGRAPHY AUTHORIZATION ON AN
21 APPLICATION FORM PROVIDED BY THE DEPARTMENT AND SHALL PROVIDE ALL
22 OF THE INFORMATION REQUIRED BY THE DEPARTMENT AS SPECIFIED ON THE
23 APPLICATION FORM. A PERSON WHO OWNS OR LEASES MORE THAN 1 RADI-
24 ATION MACHINE USED FOR MAMMOGRAPHY SHALL OBTAIN AUTHORIZATION FOR
25 EACH RADIATION MACHINE. THE DEPARTMENT SHALL PROCESS AND RESPOND
26 TO AN APPLICATION WITHIN 30 DAYS AFTER THE DATE OF RECEIPT OF THE
27 APPLICATION. UPON DETERMINING TO GRANT MAMMOGRAPHY AUTHORIZATION

1 FOR A RADIATION MACHINE, THE DEPARTMENT SHALL ISSUE A CERTIFICATE
2 OF REGISTRATION SPECIFYING MAMMOGRAPHY AUTHORIZATION FOR EACH
3 AUTHORIZED RADIATION MACHINE. A MAMMOGRAPHY AUTHORIZATION IS
4 EFFECTIVE FOR 3 YEARS CONTINGENT UPON THE RADIATION MACHINE FOR
5 WHICH THE MAMMOGRAPHY AUTHORIZATION IS ISSUED, THE PERSONNEL
6 OPERATING THE RADIATION MACHINE, AND THE FACILITY IN WHICH THE
7 RADIATION MACHINE IS OPERATED MEETING 1 OF THE FOLLOWING
8 REQUIREMENTS:

9 (A) MAINTAINING CONTINUED ACCREDITATION BY THE AMERICAN COL-
10 LEGE OF RADIOLOGY.

11 (B) HAVING AN ACTIVE ACCREDITATION APPLICATION IN PROCESS
12 WITH THE AMERICAN COLLEGE OF RADIOLOGY.

13 (C) MAINTAINING APPROVAL OR BEING IN THE PROCESS OF OBTAIN-
14 ING APPROVAL UNDER A DEPARTMENT EVALUATION PROCESS EQUIVALENT TO
15 THAT DESCRIBED IN SUBDIVISIONS (A) AND (B).

16 (5) NO LATER THAN 90 DAYS AFTER INITIAL MAMMOGRAPHY AUTHORI-
17 ZATION OF A RADIATION MACHINE UNDER THIS SECTION, THE DEPARTMENT
18 SHALL INSPECT THE RADIATION MACHINE. AFTER THAT INITIAL INSPEC-
19 TION, THE DEPARTMENT SHALL ANNUALLY INSPECT THE RADIATION MACHINE
20 AND MAY INSPECT THE RADIATION MACHINE MORE FREQUENTLY. THE
21 DEPARTMENT SHALL MAKE REASONABLE EFFORTS TO COORDINATE THE
22 INSPECTIONS UNDER THIS SECTION WITH THE DEPARTMENT'S OTHER
23 INSPECTIONS OF THE FACILITY IN WHICH THE RADIATION MACHINE IS
24 LOCATED.

25 (6) AFTER EACH SATISFACTORY INSPECTION BY THE DEPARTMENT,
26 THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF RADIATION MACHINE
27 INSPECTION OR A SIMILAR DOCUMENT IDENTIFYING THE FACILITY AND

1 RADIATION MACHINE INSPECTED AND PROVIDING A RECORD OF THE DATE
2 THE RADIATION MACHINE WAS INSPECTED. THE FACILITY SHALL POST THE
3 CERTIFICATE OR OTHER DOCUMENT NEAR THE INSPECTED RADIATION
4 MACHINE.

5 (7) THE DEPARTMENT MAY WITHDRAW THE MAMMOGRAPHY AUTHORIZA-
6 TION FOR A RADIATION MACHINE IF IT DOES NOT MEET 1 OR MORE OF THE
7 STANDARDS SET FORTH IN SUBSECTION (2).

8 (8) THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR A HEAR-
9 ING IN CONNECTION WITH A DENIAL OR WITHDRAWAL OF MAMMOGRAPHY
10 AUTHORIZATION.

11 (9) UPON A FINDING THAT A DEFICIENCY IN A RADIATION MACHINE
12 USED FOR MAMMOGRAPHY OR A VIOLATION OF THIS PART OR THE RULES
13 PROMULGATED UNDER THIS PART SERIOUSLY AFFECTS THE HEALTH, SAFETY,
14 AND WELFARE OF INDIVIDUALS UPON WHOM THE RADIATION MACHINE IS
15 USED FOR MAMMOGRAPHY, THE DEPARTMENT MAY ISSUE AN EMERGENCY ORDER
16 SUMMARILY WITHDRAWING THE MAMMOGRAPHY AUTHORIZATION FOR THE RADI-
17 ATION MACHINE. THE DEPARTMENT SHALL INCORPORATE ITS FINDINGS IN
18 THE ORDER AND SHALL PROVIDE AN OPPORTUNITY FOR A HEARING WITHIN 5
19 WORKING DAYS AFTER ISSUANCE OF THE ORDER. THE ORDER IS EFFECTIVE
20 DURING THE PROCEEDINGS.

21 (10) IF THE DEPARTMENT WITHDRAWS THE MAMMOGRAPHY AUTHORIZA-
22 TION FOR A RADIATION MACHINE, THE RADIATION MACHINE SHALL NOT BE
23 USED FOR MAMMOGRAPHY. AN APPLICATION FOR REINSTATEMENT OF A MAM-
24 MOGRAPHY AUTHORIZATION SHALL BE FILED AND PROCESSED IN THE SAME
25 MANNER AS AN APPLICATION FOR MAMMOGRAPHY AUTHORIZATION UNDER SUB-
26 SECTION (4), EXCEPT THAT THE DEPARTMENT SHALL NOT ISSUE A
27 REINSTATED CERTIFICATE OF MAMMOGRAPHY REGISTRATION UNTIL THE

1 DEPARTMENT RECEIVES THE REINSPECTION FEE REQUIRED UNDER SECTION
2 13572(5), INSPECTS THE RADIATION MACHINE, AND DETERMINES THAT IT
3 MEETS THE STANDARDS SET FORTH IN SUBSECTION (2). THE DEPARTMENT
4 SHALL CONDUCT AN INSPECTION REQUIRED UNDER THIS SUBSECTION NO
5 LATER THAN 60 DAYS AFTER RECEIVING A PROPER APPLICATION FOR REIN-
6 STATEMENT OF A MAMMOGRAPHY AUTHORIZATION.

7 (11) IN ADDITION TO THE PENALTIES PROVIDED IN SECTION 13585
8 AND THE REINSPECTION FEE REQUIRED UNDER SECTION 13572, IF A
9 PERSON VIOLATES SUBSECTION (1), THE DEPARTMENT MAY IMPOSE AN
10 ADMINISTRATIVE FINE AGAINST THE OWNER OF THE RADIATION MACHINE
11 OR, IF A LESSEE OF THE RADIATION MACHINE HAS EFFECTIVE CONTROL OF
12 THE RADIATION MACHINE, THE LESSEE, OF NOT MORE THAN \$500.00 FOR
13 EACH CALENDAR WEEK IN WHICH A MAMMOGRAPHY IS PERFORMED IN VIOLA-
14 TION OF SUBSECTION (1). IF A PERSON CONTINUES TO VIOLATE
15 SUBSECTION (1) FOR A PERIOD OF 2 WEEKS AFTER A FINE IS IMPOSED
16 UNDER THIS SUBSECTION, THE DEPARTMENT SHALL POST A CONSPICUOUS
17 NOTICE ON THE UNAUTHORIZED RADIATION MACHINE AND AT THE ENTRY TO
18 THE FACILITY WHERE THE RADIATION MACHINE IS LOCATED WARNING THE
19 PUBLIC THAT THE FACILITY IS PERFORMING MAMMOGRAPHY USING A RADI-
20 ATION MACHINE THAT IS A SUBSTANTIAL HAZARD TO THE PUBLIC HEALTH.

21 (12) THE DEPARTMENT MAY PROMULGATE RULES NECESSARY TO IMPLE-
22 MENT THIS SECTION AFTER CONSULTATION WITH THE IONIZING RADIATION
23 ADVISORY COMMITTEE ESTABLISHED UNDER SECTION 13581.

24 SEC. 13574. (1) A FACILITY IN WHICH A RADIATION MACHINE IS
25 LOCATED SHALL ENSURE THAT ALL INDIVIDUALS, EXCEPT LICENSED MEM-
26 BERS OF THE HEALING ARTS, USING THE RADIATION MACHINE FOR HUMAN
27 SCREENING OR FOR DIAGNOSTIC OR THERAPEUTIC PURPOSES ARE

1 ADEQUATELY INSTRUCTED IN THE SAFE OPERATING PROCEDURES OF THE
2 RADIATION MACHINE, PURSUANT TO THIS SECTION. THE FACILITY SHALL
3 ENSURE THAT THESE INDIVIDUALS MEET THE SPECIFIC REQUIREMENTS OF
4 THIS SECTION. THE DEPARTMENT MAY USE INTERVIEW, OBSERVATION, OR
5 BOTH, TO DETERMINE COMPLIANCE WITH THIS SECTION. A FACILITY
6 DESCRIBED IN THIS SUBSECTION SHALL MAINTAIN RECORDS IN ORDER TO
7 DEMONSTRATE COMPLIANCE WITH THIS SECTION.

8 (2) LIMITED SCOPE OPERATORS ARE LIMITED IN SCOPE OF PRACTICE
9 TO ONLY THOSE PROCEDURES LISTED IN SUBSECTION (6). LIMITED SCOPE
10 OPERATORS SHALL MEET THE PREREQUISITE QUALIFICATIONS, RECEIVE
11 TRAINING, AND DEMONSTRATE COMPETENCE AS FOLLOWS:

12 (A) SHALL COMPLETE AT LEAST 48 HOURS OF DIDACTIC INSTRUCTION
13 IN A FORMAL PROGRAM, APPROVED BY THE DEPARTMENT, AS PRESCRIBED IN
14 SUBSECTION (7).

15 (B) ACHIEVE A PASSING SCORE OF 70% ON THE CERTIFICATION
16 EXAMINATION FOR THE LIMITED SCOPE OF PRACTICE IN RADIOGRAPHY
17 DEVELOPED BY THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS
18 AND APPROVED BY THE DEPARTMENT IN AT LEAST 1 BUT NO MORE THAN 3
19 OF THE LIMITED SCOPE CATEGORIES OF CHEST, EXTREMITIES,
20 SKULL/SINUS, SPINE, OR PODIATRIC. A FACILITY NEEDING TO PERFORM
21 EXAMINATIONS IN SKULL/SINUS, SPINE, OR PODIATRIC. A FACILITY
22 NEEDING TO PERFORM EXAMINATIONS IN ADDITION TO ANY 3 OF THESE
23 CATEGORIES SHALL EMPLOY A COMPREHENSIVE SCOPE OPERATOR ACCORDING
24 TO SUBSECTION (3). A PASSING SCORE ON THE BASIC CHIROPRACTIC
25 X-RAY TECHNOLOGY EXAMINATION GIVEN THROUGH THE AMERICAN CHIRO-
26 PRACTIC REGISTRY OF RADIOLOGIC TECHNOLOGISTS AND APPROVED BY THE

1 DEPARTMENT IS CONSIDERED TO MEET THE REQUIREMENTS OF THIS
2 SUBDIVISION FOR LIMITED SCOPE SPINAL RADIOGRAPHY.

3 (C) SHALL COMPETE THE CLINICAL EXPERIENCE REQUIREMENTS IN
4 SUBSECTION (8).

5 (D) INDIVIDUALS WHO HAVE BEEN ACTIVELY WORKING AS A MEDICAL
6 X-RAY OPERATOR FOR AT LEAST 6 MONTHS BEFORE THE EFFECTIVE DATE OF
7 THIS PART ARE EXEMPT FROM THE REQUIREMENTS OF SUBDIVISION (C).
8 THESE INDIVIDUALS SHALL DOCUMENT COMPLETION OF THE DIDACTIC
9 TRAINING REQUIREMENTS IN SUBDIVISION (A) AND THE EXAMINATION
10 REQUIREMENTS IN SUBDIVISION (B) WITHIN 3 YEARS OF THE EFFECTIVE
11 DATE OF THIS PART.

12 (E) SHALL OBTAIN NOT LESS THAN 15 HOURS, IN ANY 3-YEAR
13 PERIOD, OF CONTINUING EDUCATION IN THE TECHNICAL OR CLINICAL, OR
14 BOTH, ASPECTS AND RELATED SUBJECTS OF X-RAY EXAMINATIONS IN THEIR
15 SCOPE OF PRACTICE.

16 (3) COMPREHENSIVE SCOPE OPERATORS ARE NOT LIMITED IN SCOPE
17 OF PRACTICE FOR PERFORMING MEDICAL X-RAY PROCEDURES.
18 COMPREHENSIVE SCOPE OPERATORS MUST MEET THE PREREQUISITE QUALIFI-
19 CATIONS, RECEIVE TRAINING, AND DEMONSTRATE COMPETENCE AS
20 FOLLOWS:

21 (A) SHALL MEET THE STANDARDS FOR ISSUANCE OF A REGISTRATION
22 CERTIFICATE AS A REGISTERED TECHNOLOGIST FROM THE AMERICAN REGIS-
23 TRY OF RADIOLOGIC TECHNOLOGISTS OR OTHER NATIONALLY RECOGNIZED
24 ACCREDITATION BODY. THESE STANDARDS, ENTITLED "RULES AND
25 REGULATIONS", AS REVISED IN FEBRUARY, 1990, AND "BY-LAWS", AS
26 REVISED IN SEPTEMBER, 1989, PUBLISHED BY THE AMERICAN REGISTRY OF
27 RADIOLOGIC TECHNOLOGISTS, ARE INCORPORATED BY REFERENCE. THESE

1 STANDARDS ARE AVAILABLE FROM THE RADIATION SAFETY SECTION,
2 MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, 525 WEST
3 OTTAWA STREET, P.O. BOX 30664, LANSING, MICHIGAN, 48909, AT NO
4 CHARGE. THE STANDARDS ARE ALSO AVAILABLE FROM THE AMERICAN REG-
5 ISTRY OF RADIOLOGIC TECHNOLOGISTS, 1255 NORTHLAND DRIVE, MENDOTA
6 HEIGHTS, MINNESOTA, 55120, AT NO CHARGE. A DETERMINATION BY THE
7 AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS THAT AN INDIVIDUAL
8 MEETS ITS RESPECTIVE STANDARDS FOR ISSUANCE OF A REGISTRATION
9 CERTIFICATE IS PRIMA FACIE EVIDENCE TO THE DEPARTMENT THAT THE
10 INDIVIDUAL COMPLIES WITH THE STANDARDS.

11 (B) SHALL, IF THE SCOPE OF PRACTICE INCLUDES SPECIALTIES
12 SUCH AS COMPUTED TOMOGRAPHY OR RADIATION THERAPY, MEET THE STAN-
13 DARDS FOR ISSUANCE OF ADVANCED CERTIFICATION IN THAT SPECIALITY
14 FROM THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS, AS
15 APPROVED BY THE DEPARTMENT.

16 (4) DENTAL X-RAY OPERATORS, EXCEPT DENTISTS LICENSED UNDER
17 ARTICLE 15, SHALL MEET THE PREREQUISITE QUALIFICATIONS, RECEIVE
18 TRAINING, AND DEMONSTRATE COMPETENCE AS FOLLOWS:

19 (A) SHALL COMPLETE AT LEAST 36 HOURS OF DIDACTIC INSTRUCTION
20 IN A FORMAL PROGRAM, APPROVED BY THE DEPARTMENT, AS PRESCRIBED IN
21 SUBSECTION (9).

22 (B) GRADUATES OF A DENTAL HYGIENE OR DENTAL ASSISTING PRO-
23 GRAM CERTIFIED BY THE COMMISSION ON DENTAL ACCREDITATION AND
24 APPROVED BY THE DEPARTMENT ARE CONSIDERED TO HAVE MET THE
25 REQUIREMENTS OF SUBDIVISION (A).

26 (C) INDIVIDUALS WHO HAVE BEEN ACTIVELY WORKING AS A DENTAL
27 X-RAY OPERATOR FOR AT LEAST 6 MONTHS BEFORE THE EFFECTIVE DATE OF

1 THIS PART SHALL DOCUMENT COMPLETION OF THE DIDACTIC TRAINING
2 REQUIREMENTS OF SUBDIVISION (A) OR (B) WITHIN 3 YEARS AFTER THE
3 EFFECTIVE DATE OF THIS PART.

4 (5) VETERINARY X-RAY OPERATORS, UNLESS UNDER THE DIRECT
5 SUPERVISION OF A VETERINARIAN LICENSED UNDER ARTICLE 15, SHALL
6 MEET THE PREREQUISITE QUALIFICATIONS, RECEIVE TRAINING, AND
7 DEMONSTRATE COMPETENCE AS FOLLOWS:

8 (A) SHALL COMPLETE AT LEAST 36 HOURS OF DIDACTIC INSTRUCTION
9 IN A FORMAL PROGRAM APPROVED BY THE DEPARTMENT AS PRESCRIBED IN
10 SUBSECTION (10).

11 (B) INDIVIDUALS WHO HAVE BEEN ACTIVELY WORKING AS A VETERI-
12 NARY X-RAY OPERATOR FOR AT LEAST 6 MONTHS BEFORE THE EFFECTIVE
13 DATE OF THIS PART SHALL DOCUMENT COMPLETION OF THE DIDACTIC
14 TRAINING REQUIREMENTS IN SUBDIVISION (A) WITHIN 3 YEARS AFTER THE
15 EFFECTIVE DATE OF THIS PART.

16 (6) LIMITED SCOPE X-RAY OPERATORS, AS DESCRIBED IN SUBSEC-
17 TION (2), SHALL PERFORM ONLY THE FOLLOWING SPECIFIC X-RAY
18 EXAMINATIONS:

19 (A) THE FOLLOWING X-RAY EXAMINATIONS OF THE EXTREMITIES:

20 (i) HAND AND FINGERS..... PA, LATERAL, OBLIQUE.

21 (ii) WRISTS..... PA, LATERAL, OBLIQUE.

22 (iii) FOREARM..... AP, LATERAL.

23 (iv) ELBOW..... AP, LATERAL.

24 (v) HUMERUS..... AP, LATERAL.

25 (vi) FOOT AND TOES..... AP, LATERAL, OBLIQUE.

26 (vii) ANKLE..... AP, LATERAL, OBLIQUE.

1 (viii) TIBIA-FIBULA..... AP, LATERAL.

2 (ix) KNEE..... AP, LATERAL.

3 (x) FEMUR..... AP, LATERAL.

4 (B) THE FOLLOWING X-RAY EXAMINATIONS OF THE SPINE:

5 (i) CERVICAL SPINE.....AP, LATERAL, ODONTOID,
6 NON-TRAUMA, SWIMMER'S NON-TRAUMA.

7 (ii) THORACIC SPINE..... AP, LATERAL, SWIMMER'S NON-TRAUMA.

8 (iii) LUMBAR SPINE..... AP, LATERAL, L5-S1 LATERAL.

9 (C) PA, AP, LATERAL, OBLIQUE, DECUBITUS, AND APICAL LORDOTIC
10 X-RAY EXAMINATIONS OF THE CHEST.

11 (D) DP AND LATERAL X-RAY EXAMINATIONS OF THE ANKLE.

12 (E) THE FOLLOWING X-RAY EXAMINATIONS OF THE SKULL AND
13 SINUS:

14 (i) ENTIRE SKULL.

15 (ii) PARANASAL SINUSES.

16 (iii) FACIAL BONES.

17 (iv) MANDIBLE AND TEMPOROMANDIBULAR JOINT.

18 (7) AN INDIVIDUAL DESCRIBED IN SUBSECTIONS (2) AND (3) SHALL
19 COMPLETE A MINIMUM OF 48 HOURS OF DIDACTIC TRAINING IN A FORMAL
20 TRAINING COURSE. AFTER SUCCESSFUL COMPLETION OF THE COURSE, THE
21 INDIVIDUAL SHALL PASS AN EXAMINATION APPROPRIATE TO HIS OR HER
22 SCOPE OF PRACTICE AND COMPLETE THE CLINICAL EXPERIENCE REQUIRE-
23 MENTS PRESCRIBED IN SUBSECTION (8). THE FORMAL TRAINING COURSE
24 IS SUBJECT TO DEPARTMENT APPROVAL AND SHALL PROVIDE INSTRUCTION
25 IN ALL OF THE FOLLOWING SUBJECTS:

26 (A) RADIATION PROTECTION INCLUDING ALL OF THE FOLLOWING:

1 (i) PATIENT PROTECTION.

2 (ii) PERSONNEL PROTECTION.

3 (iii) RADIATION EXPOSURE AND MONITORING.

4 (B) EQUIPMENT OPERATION AND MAINTENANCE INCLUDING ALL OF THE
5 FOLLOWING:

6 (i) RADIOGRAPHIC UNIT COMPONENTS.

7 (ii) PRINCIPLES OF X-RAY PRODUCTION.

8 (iii) RECOGNITION OF MALFUNCTIONS.

9 (C) IMAGE PRODUCTION AND EVALUATION INCLUDING ALL OF THE
10 FOLLOWING:

11 (i) SELECTION OF TECHNIQUE FACTORS.

12 (ii) FILM PROCESSING AND QUALITY ASSURANCE.

13 (iii) EVALUATION OF RADIOGRAPHS.

14 (D) PATIENT CARE INCLUDING ALL OF THE FOLLOWING:

15 (i) LEGAL AND PROFESSIONAL RESPONSIBILITIES.

16 (ii) PATIENT EDUCATION, SAFETY, AND COMFORT.

17 (iii) PREVENTION AND CONTROL OF INFECTION.

18 (iv) PATIENT MONITORING.

19 (E) RADIOGRAPHIC PROCEDURE POSITIONING.

20 (8) AN INDIVIDUAL WHO COMPLETES THE REQUIREMENTS OF SUBSEC-
21 TION (7) SHALL COMPLETE 1 MONTH OF CLINICAL TRAINING DURING WHICH
22 TIME HE OR SHE MAY PERFORM THE X-RAY EXAMINATIONS ALLOWED UNDER
23 SUBSECTION (6) ONLY UNDER THE DIRECT SUPERVISION OF THE PHYSICIAN
24 IN CHARGE, A COMPREHENSIVE SCOPE OPERATOR, OR A LIMITED SCOPE
25 OPERATOR WITH NO LESS THAN 3 YEARS OF EXPERIENCE. AN INDIVIDUAL
26 DESCRIBED IN THIS SUBSECTION SHALL BE TRAINED IN PROPER IMAGING
27 PROCEDURES AS LISTED BELOW:

- 1 (A) SELECTION OF APPROPRIATE FILM SIZE.
- 2 (B) SELECTION OF APPROPRIATE TECHNIQUE FACTORS.
- 3 (C) USE OF CORRECT SOURCE-TO-IMAGE DISTANCE.
- 4 (D) ESTABLISHMENT OF PROPER DIRECTION OF CENTRAL RAY.
- 5 (E) EXECUTION OF PROPER PATIENT POSITION.
- 6 (F) COLLIMATION OF THE X-RAY BEAM AS APPROPRIATE.
- 7 (G) PROVIDING GONADAL SHIELDING IF APPROPRIATE.
- 8 (H) USING CORRECT FILM MARKERS.
- 9 (I) GIVING PROPER PATIENT INSTRUCTION.
- 10 (J) PLACING PATIENT INFORMATION CORRECTLY ON THE FILM.
- 11 (K) COMPLETING EXAMINATION IN A TIMELY MANNER.
- 12 (L) OBTAINING DESIRED ANATOMY AND POSITIONING RESULTS ON THE
- 13 FILM.
- 14 (M) OBTAINING APPROPRIATE CONTRAST AND DENSITY ON THE FILM.
- 15 (N) IDENTIFYING VISIBLE MOTION OR FILM ARTIFACTS AND REPEAT-
- 16 ING EXAM IF NEEDED.
- 17 (9) AN INDIVIDUAL DESCRIBED IN SUBSECTION (4) SHALL COMPLETE
- 18 A MINIMUM OF 36 HOURS OF DIDACTIC RADIOLOGY TRAINING IN A FORMAL
- 19 TRAINING COURSE. THE COURSE IS SUBJECT TO DEPARTMENT APPROVAL
- 20 AND SHALL PROVIDE INSTRUCTION IN ALL OF THE FOLLOWING SUBJECTS:
- 21 (A) RADIATION PROTECTION, INCLUDING ALL OF THE FOLLOWING:
- 22 (i) PATIENT PROTECTION.
- 23 (ii) PERSONNEL PROTECTION.
- 24 (iii) RADIATION EXPOSURE AND MONITORING.
- 25 (B) EQUIPMENT OPERATION AND MAINTENANCE, INCLUDING ALL OF
- 26 THE FOLLOWING:

- 1 (i) RADIOGRAPHIC UNIT COMPONENTS.
- 2 (ii) PRINCIPLES OF X-RAY PRODUCTION.
- 3 (iii) RECOGNITION OF MALFUNCTIONS.
- 4 (C) IMAGE PRODUCTION AND EVALUATION, INCLUDING ALL OF THE
- 5 FOLLOWING:
- 6 (i) SELECTION OF TECHNIQUE FACTORS.
- 7 (ii) FILM PROCESSING AND QUALITY ASSURANCE.
- 8 (iii) EVALUATION, MOUNTING, AND LABELING OF RADIOGRAPHS.
- 9 (D) PATIENT CARE, INCLUDING ALL OF THE FOLLOWING:
- 10 (i) LEGAL AND PROFESSIONAL RESPONSIBILITIES.
- 11 (ii) PATIENT EDUCATION, SAFETY, AND COMFORT.
- 12 (iii) PREVENTION AND CONTROL OF INFECTION.
- 13 (iv) PATIENT MONITORING.
- 14 (E) RADIOGRAPHIC PROCEDURE POSITIONING AND FILM SELECTION,
- 15 INCLUDING ALL OF THE FOLLOWING:
- 16 (i) PERIAPICAL.
- 17 (ii) BITEWING.
- 18 (iii) OCCLUSAL.
- 19 (iv) PANORAMIC.
- 20 (v) CEPHALOMETRIC, ORTHODONTIC ONLY.
- 21 (vi) TRANSCRANIAL AND TMJ, ORAL/MAXILLOFACIAL ONLY.
- 22 (10) AN INDIVIDUAL DESCRIBED IN SUBSECTION (5) SHALL COM-
- 23 PLETE A MINIMUM OF 36 HOURS OF DIDACTIC TRAINING IN A FORMAL
- 24 TRAINING COURSE. THE COURSE IS SUBJECT TO DEPARTMENT APPROVAL
- 25 AND SHALL PROVIDE INSTRUCTION IN ALL OF THE FOLLOWING SUBJECTS:
- 26 (A) RADIATION PROTECTION, INCLUDING ALL OF THE FOLLOWING:

1 (i) PERSONNEL PROTECTION.

2 (ii) RADIATION EXPOSURE AND MONITORING.

3 (B) EQUIPMENT OPERATION AND MAINTENANCE, INCLUDING ALL OF
4 THE FOLLOWING:

5 (i) RADIOGRAPHIC UNIT COMPONENTS.

6 (ii) PRINCIPLES OF X-RAY PRODUCTION.

7 (iii) RECOGNITION OF MALFUNCTIONS.

8 (C) IMAGE PRODUCTION AND EVALUATION, INCLUDING ALL OF THE
9 FOLLOWING:

10 (i) SELECTION OF TECHNIQUE FACTORS.

11 (ii) FILM PROCESSING AND QUALITY ASSURANCE.

12 (iii) EVALUATION AND LABELING OF RADIOGRAPHS.

13 (iv) INFECTION CONTROL.

14 (D) RADIOGRAPHIC PROCEDURE POSITIONING.

15 SEC. 13575. A MUNICIPALITY OR A DEPARTMENT, AGENCY, OR
16 OFFICIAL OF A MUNICIPALITY SHALL NOT LICENSE, REGULATE, OR
17 REQUIRE THE REGISTRATION OF A RADIATION MACHINE OR A NON-IONIZING
18 RADIATION DEVICE.

19 SEC. 13581. THE DIRECTOR SHALL APPOINT AN IONIZING RADI-
20 ATION ADVISORY COMMITTEE. MEMBERS OF THE COMMITTEE SERVE AT THE
21 PLEASURE OF THE DIRECTOR. THE COMMITTEE SHALL FURNISH TO THE
22 DEPARTMENT TECHNICAL ADVICE THE COMMITTEE CONSIDERS DESIRABLE OR
23 THE DEPARTMENT MAY REASONABLY REQUEST ON MATTERS RELATING TO THE
24 RADIATION MACHINE CONTROL PROGRAM.

25 SEC. 13585. A PERSON WHO VIOLATES THIS PART OR A RULE
26 PROMULGATED UNDER THIS PART OR WHO FAILS TO OBTAIN OR COMPLY WITH
27 A CONDITION OF REGISTRATION UNDER THIS PART IS GUILTY OF A

1 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180
2 DAYS, OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH. A COURT
3 MAY FINE A PERSON NOT MORE THAN \$2,000.00 FOR EACH VIOLATION OF
4 THIS PART. EACH DAY A VIOLATION CONTINUES IS A SEPARATE
5 VIOLATION.

6 SEC. 13586. IF, AFTER THOROUGH INVESTIGATION BY THE DEPART-
7 MENT, IT IS THE JUDGMENT OF THE DEPARTMENT THAT A PERSON HAS
8 ENGAGED IN OR IS ABOUT TO ENGAGE IN AN ACT OR PRACTICE THAT CON-
9 STITUTES A VIOLATION OF THIS PART OR A RULE OR ORDER PROMULGATED
10 OR ISSUED UNDER THIS PART, THE ATTORNEY GENERAL, AT THE REQUEST
11 OF THE DEPARTMENT, SHALL APPLY TO THE APPROPRIATE CIRCUIT COURT
12 FOR AN ORDER ENJOINING THE ACT OR PRACTICE OR FOR AN ORDER
13 DIRECTING COMPLIANCE WITH THIS PART OR A RULE OR ORDER PROMUL-
14 GATED OR ISSUED UNDER THIS PART.

15 Enacting section 1. Sections 13523 and 13531 of the public
16 health code, 1978 PA 368, MCL 333.13523 and 333.13531, are
17 repealed.