

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Goodwin

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 20-21-203, 20-21-213 AND
9 20-21-217 REGARDING FEES FOR LICENSING AND REGISTRATION
10 FOR USE OF RADIOACTIVE E MATERIALS AND X-RAY EQUIPMENT IN
11 ORDER TO OFF-SET COSTS AT THE DEPARTMENT OF HEALTH; AND
12 FOR OTHER PURPOSES."

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Subtitle

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code 20-21-203 is amended by adding the following
24 definitions:

25 "(47) Category I-A Hospital means a hospital or medical center that
26 meets one of the following criteria:

27 (A) Has a nuclear medicine department, one (1) or more x-ray
28 machines and one (1) or more particle accelerator units; or

29 (B) Has a nuclear medicine department, eleven (11) or more x-ray
30 machines and one (1) or more teletherapy units.

31 (48) 'Category I-B Hospital' means a hospital or medical center that
32 has a nuclear medicine department, has ten (10) or fewer x-ray machines and
33 has one (1) or more teletherapy units;

34 (49) Category II-A Hospital means a hospital or medical center that
35 meets one of the following criteria:

1 (A) Has a nuclear medicine department and eleven (11) or more
2 x-ray machines;

3 (B) Has a nuclear medicine department and one (1) or more
4 particle accelerator units;

5 (C) Has one (1) or more x-ray machines and one (1) or more
6 particle accelerator units; or

7 (D) Has eleven (11) or more x-ray machines and one (1) or more
8 teletherapy units.

9 (50) Category II-B Hospital means a hospital or medical center that
10 meets one of the following criteria:

11 (A) Has a nuclear medicine department and ten (10) or fewer
12 x-ray machines;

13 (B) Has a nuclear medicine department and one (1) or more
14 teletherapy units; or

15 (C) Has ten (10) or fewer x-ray machines and one (1) or more
16 teletherapy units.

17 (51) Category III Hospital means a hospital or medical center that
18 meets one of the following criteria:

19 (A) Has a nuclear medicine department;

20 (B) Has one (1) or more x-ray machines; or

21 (C) Has one (1) or more teletherapy units."
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23 SECTION 2. Arkansas Code 20-21-213 is amended to read as follows:

24 "20-21-213. Licensing and registration requirements generally.

25 The agency shall provide by rule or regulation for general or specific
26 licensing of by-product, source, special nuclear materials, or devices or
27 equipment utilizing such materials. The rule or regulation shall provide for
28 amendment, suspension, or revocation of licenses. The rule or regulation
29 shall provide that:

30 (1) Each application for a specific license shall be in writing and
31 shall state such information as the agency by rule or regulation may
32 determine to be necessary to decide the technical, insurance, and financial
33 qualifications or any other qualifications of the applicant as the agency may
34 deem reasonable and necessary to protect the occupational and public health
35 and safety;

1 (2) The agency may at any time after the filing of the application,
2 and before the expiration of the license, require further written statements
3 and may make such inspections as the agency may deem necessary in order to
4 determine whether the license should be granted or denied or whether the
5 license should be modified, suspended, or revoked;

6 (3) All applications and statements shall be signed by the applicant
7 or licensee;

8 (4) The agency may require any applications or statements to be made
9 under oath or affirmation;

10 (5) Each license shall be in such form and contain such terms and
11 conditions as the agency may by rule or regulation prescribe;

12 (6) No license issued under the authority of this subchapter and no
13 right to possess or utilize sources of ionizing radiation granted by any
14 license shall be assigned or in any manner disposed of;

15 (7) The terms and conditions of all licenses shall be subject to
16 amendment, revision, or modification by rules, regulations, or orders issued
17 in accordance with the provisions of this subchapter;

18 (8) Licenses issued by the Agency shall be non-transferable, shall be
19 renewed every five (5) years, and shall expire five (5) years after issuance
20 or at a time specified by the agency; and

21 (9) Registrations issued shall be non-transferable, shall be renewed
22 annually, and shall expire one (1) year after issuance or at a time specified
23 by the agency."

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25 SECTION 3. Arkansas Code 20-21-217 is amended to read as follows:

26 "20-21-217. Licensing and registration requirements - Compliance with
27 standards - Fees.

28 (a) In licensing and regulation of radioactive material as defined in
29 § 20-21-203(19) or of any activity which results in the production of
30 radioactive materials as so defined, the agency shall require compliance with
31 applicable standards promulgated by the agency which are equivalent to or
32 more stringent than standards adopted and enforced by the United States
33 Nuclear Regulatory Commission for the same purpose, including requirements
34 and standards promulgated by the United States Environmental Protection
35 Agency.

1 (b) The agency is hereby authorized to charge and collect the
2 following annual fees associated with licensing and registration of sources
3 of ionizing radiation:

4 (1) Hospitals or medical centers:

- 5 (A) Category I-A \$900;
- 6 (B) Category I-B \$700;
- 7 (C) Category II-A \$650;
- 8 (D) Category II-B \$450;
- 9 (E) Category III \$200.

10 (2) X-ray registrations:

- 11 (A) Physicians' units \$60.00 per tube up to a 180.00
12 maximum
- 13 (B) Dental radiographic units \$50.00 per tube up to a
14 150.00 maximum
- 15 (C) Chiropractors' units \$60.00 per tube up to a 180.00
16 maximum
- 17 (D) Veterinarians' units \$50.00 per tube up to a 150.00
18 maximum
- 19 (E) Podiatrists' units \$50.00 per tube up to a 150.00
20 maximum
- 21 (F) Colleges' and universities' units \$50.00 per tube up
22 to a 200.00 maximum
- 23 (G) Industrial units \$80.00 per tube up to a 240.00
24 maximum
- 25 (H) Others \$50.00 per tube up to a 150.00 maximum

26 (3) Radioactive material licenses:

- 27 (A) Private practice, other than teletherapy units or
28 particle accelerators \$100.00
- 29 (B) Radiography:
 - 30 (i) In plant 350.00 for first bay
 - 31 500.00 for two (2) or more bays
 - 32 (ii) Field 1,000.00
- 33 (C) Wireline service operation .. 300.00 for 1 to 3 sources
34 500.00 for 4 or more sources
- 35 (D) Academic:

- 1 (i) Broad 500.00
- 2 (ii) Other 200.00
- 3 (E) Gas chromatograph devices and Co-57 Lead analyzers
- 4 100.00
- 5 (F) Nuclear gauges 300.00 for 1 to 5 gauges
- 6 .. 500.00 for 6 or more gauges
- 7 (G) Particle accelerators, nonmedical 200.00
- 8 (H) In vitro laboratory testing 25.00
- 9 (I) Irradiators 1,000.00
- 10 (J) Nuclear pharmacy 1,000.00
- 11 (K) Mobile nuclear medicine service 1,200.00
- 12 (L) Consultants 250.00
- 13 (4) Other:
- 14 (A) Medical, Therapy, non-hospital unit
- 15 250.00 for first unit
- 16 175.00 for each additional unit
- 17 (B) Particle Accelerator medical, non-hospital unit
- 18 450.00 for first unit
- 19 300.00 for each additional unit
- 20 (C) Arkansas State Board of Health Rules and Regulations
- 21 for Control of Sources of Ionizing Radiation 0.00 for first copy
- 22 30.00 for each additional copy
- 23 (D) Naturally Occurring Radioactive Material (NORM)
- 24 License 2,500.00
- 25 (E) Amendment to existing license 0.00 for first amendment
- 26 additional amendments 50.00 per year
- 27 (F) Sealed Source and Device Evaluations 2,500.00
- 28 (5) Reciprocity:
- 29 (A) Naturally Occurring Radioactive Material (NORM) 2,500.00
- 30 (B) Radiography, Field 1,000.00
- 31 (C) Wireline 500.00
- 32 (D) Nuclear Gauge 500.00
- 33 (E) Consultant 100.00
- 34 (6) Late Fees: A late fee equal to ten percent (10%) of the
- 35 applicable fee shall be charged for fees not received within sixty (60) days

1 of the invoiced due date.

2 (c) Reciprocity: Each applicant for reciprocal recognition of an
3 out-of-state license or of an out-of-state registration shall be accompanied
4 by the applicable annual fee, provided that no fee has been submitted during
5 the calendar year of the application.

6 (d)(1) The annual fee shall be based upon the calendar year, January 1
7 through December 31, with fees for any given year due by December 31 of the
8 previous year.

9 (2) Applications for new licenses or registrations shall be
10 accompanied by the appropriate fee. The applicants shall be charged for a
11 full calendar year regardless of the month the license or registration is
12 issued.

13 (3) Applications for amendments to licenses or registration
14 certificates which result in a change to a more costly category shall be
15 accompanied by a fee equal to the difference between the fee for the current
16 category and the one to which the amended license or certificate will
17 escalate.

18 (4) Fee payments shall be by check, draft, or money order made
19 payable to the Department of Health.

20 (5) In any case where the agency finds that an applicant for a
21 new license or new certificate of registration has failed to pay the fee
22 prescribed in this section, the agency will not process that application
23 until such fee is paid.

24 (6) In any case where the agency finds that a person has failed
25 to pay a fee prescribed by this subsection within ninety (90) days of the
26 date due, the agency may issue an order to show cause why that registration,
27 license, or other service should not be revoked, suspended, or terminated, as
28 appropriate.

29 (e) No annual fees shall be required for those applicants, licensees,
30 registrants, or other applicable persons whose use of sources of radiation is
31 certified as financed by the General Revenue Fund of the State of Arkansas.

32 (f) All fees levied and collected under this subsection are declared
33 to be special revenues and shall be deposited in the State Treasury, there to
34 be credited to the Public Health Fund.

35 (g) Subject to the rules and regulations as may be implemented by the

1 Chief Fiscal Officer of the State, the disbursing officer for the Department
2 of Health is authorized to transfer all unexpended funds relative to
3 licensing and registration for use of radioactive materials and x-ray
4 equipment that pertain to fees collected, as certified by the Chief Fiscal
5 Officer of the State, to be carried forward and made available for
6 expenditures for the same purpose for any following fiscal year."

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8 SECTION 4. All provisions of this act of a general and permanent
9 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
10 Code Revision Commission shall incorporate the same in the Code.

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12 SECTION 5. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

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18 SECTION 6. All laws and parts of laws in conflict with this act are
19 hereby repealed.

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