

1 **216-RICR-40-20-2**

2 **TITLE 216 – DEPARTMENT OF HEALTH**

3 **CHAPTER 40 – PROFESSIONAL LICENSING & FACILITIES REGULATION**

4 **SUBCHAPTER 20 - RADIATION**

5 **PART 2 – NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS;**
6 **INSPECTIONS AND COMPLIANCE PROCEDURES**

7 **2.1 Authority**

8 A. This Part is promulgated pursuant to the authority conferred under R.I. Gen.
9 Laws § [23-1.3-5\(f\)](#), as amended.

10 B. This Part establishes requirements for notices, instructions and reports by
11 licensees or registrants to individuals engaged in work under a license or
12 registration and options available to such individuals in connection with Agency
13 inspections of licensees or registrants to ascertain compliance with the provisions
14 of the Act and regulations, orders, licenses and certificates of registration issued
15 thereunder regarding radiological working conditions. Except as otherwise
16 specifically provided, this Part applies to persons licensed or registered by the
17 Agency to receive, possess, use, transfer, or dispose of any source of radiation;
18 provided, however, that nothing in this Part shall apply to any person to the
19 extent such person is subject to regulation by the U.S. Nuclear Regulatory
20 Commission.

21 **2.2 Incorporated Material**

22 A. Except as provided in this Part, the requirements of 10 CFR Part 19 (2018)
23 <https://www.nrc.gov/reading-rm/doc-collections/cfr/part019/> are incorporated by
24 reference, not including any further editions or amendments thereof and only to
25 the extent that the provisions therein are not inconsistent with this Part.

26 B. Notwithstanding the provisions of § 2.2(A) of this Part, §§ 19.4, 19.5, 19.8, 19.18,
27 19.20, 19.30, 19.31, 19.32 and 19.40 are not incorporated by reference.

28 C. Effect of incorporation of 10 CFR Part 19. To reconcile differences between this
29 Part and the incorporated sections of 10 CFR Part 19, the following words and
30 phrases shall be substituted for the language in 10 CFR Part 19 as follows:

31 1. Any reference to NRC or Commission shall be deemed to be a reference
32 to the Agency.

33 2. Any reference to NRC or agreement state shall be deemed to be a
34 reference to the Agency, NRC or agreement state.

- 1 3. Any reference to byproduct material shall be deemed to be a reference to
2 radioactive material.
- 3 4. Any notifications, reports or correspondence referenced in the
4 incorporated sections of 10 CFR Part 19 shall be directed to the Agency
5 using contact information specified in § 1.4 of this Subchapter.
- 6 5. Any reference to licensee shall be deemed to include registrant.
- 7 6. Any reference to license shall be deemed to include registration.
- 8 7. Any reference to licensed shall be deemed to include registered.
- 9 8. Any reference to NRC Form 3 shall be deemed to be a reference to
10 Agency Form RCA-1.
- 11 9. Any requirement to utilize NRC Form 4 may also be satisfied by use of
12 Agency Form RCA-2.
- 13 10. Any requirement to utilize NRC Form 5 may also be satisfied by use of
14 Agency Form RCA-3.

15 **2.3 Definitions**

16 A. In addition to the definitions contained in 10 CFR § 19.3, whenever used in this
17 Part, the following terms shall be construed as follows:

18 “Act” means Title 23, Chapter 1.3 of the General Laws of the State of Rhode
19 Island entitled "Radiation Control".

20 “Agency” means Rhode Island Radiation Control Agency (RCA), Center for
21 Health Facilities Regulation - Radiation Control Program, Rhode Island
22 Department of Health.

23 “Radioactive material” means any material (solid, liquid, or gas) which emits
24 radiation spontaneously.

25 “Registrant” means any person who is registered with the Agency and is legally
26 obligated to register with the Agency pursuant to this Subchapter and the Act.

27 “Registration” means registration with the Agency pursuant to this Subchapter
28 and the Act.

29 “R.I. Gen. Laws” means the General Laws of Rhode Island, as amended.

1 **2.4 Posting of Notices to Workers**

2 A. For the purpose of this Part, requirements for posting of notices to workers are
3 defined in 10 CFR § 19.11.

4 B. Notwithstanding the requirements of § 2.4(A) of this Part, Agency licensees and
5 registrants shall post Agency Form RCA-1 in lieu of NRC Form 3.

6 **2.5 Instruction to Workers**

7 A. For the purpose of this Part, requirements for instruction to workers are defined
8 in 10 CFR § 19.12.

9 B. Use of Latex Gloves. Persons, firms or corporations licensed or registered by the
10 Agency that utilize latex gloves are subject to *Use of Latex Gloves by Health*
11 *Care Workers, in Licensed Health Care Facilities, and by Other Persons, Firms,*
12 *or Corporations Licensed or Registered by the Department* [216-RICR-20-15-3],
13 and the posting and employee notification requirements contained therein.

14 **2.6 Notifications and Reports to Individuals**

15 For the purpose of this Part, requirements for notifications and reports to
16 individuals are defined in 10 CFR § 19.13.

17 **2.7 Presence of Representatives of Licensees and Regulated**
18 **Entities, and Workers During Inspections**

19 For the purpose of this Part, requirements for presence of representatives of
20 licensees and regulated entities and workers during inspections are defined in 10
21 CFR § 19.14.

22 **2.8 Consultation with Workers During Inspections**

23 For the purpose of this Part, requirements for consultation with workers during
24 inspections are defined in 10 CFR § 19.15.

25 **2.9 Requests by Workers for Inspections**

26 For the purpose of this Part, requirements for requests by workers for inspections
27 are defined in 10 CFR § 19.16.

28 **2.10 Inspections Not Warranted; Informal Review**

29 For the purpose of this Part, requirements for inspections not warranted; informal
30 review are defined in 10 CFR § 19.17.

1 **2.11 Compliance Procedures**

2 To ensure compliance with this Subchapter, the Agency shall proceed in
3 accordance with its *Enforcement Policy and Procedures* [October 2011] (URL).