

1 **216-RICR-40-20-15**

2 **TITLE 216 – DEPARTMENT OF HEALTH**

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

4 **SUBCHAPTER 20 - RADIATION**

5 **PART 15 – X-RAY AND RADIOACTIVE MATERIALS FEES**

6 **15.1 Authority**

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

9 B. Persons and individuals who are subject to licensure and/or registration with the
10 Agency pursuant to the Act and this Subchapter shall be assessed fees,
11 established in the Department fee schedule, and in accordance with § 15.4 of
12 this Part for X-ray registrants and/or § 15.5 of this Part for radioactive materials
13 licensees.

14 **15.2 Definitions**

15 A. Whenever used in this Part, the following terms shall be construed as follows:

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

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

21 “Department fee schedule” means the Fee Structure for Licensing, Laboratory
22 and Administrative Services Provided by the Department of Health [216-RICR-
23 10-5-2].

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

25 **15.3 General Provisions**

26 A. Fee Exempt: Notwithstanding the requirement of § 15.1(B) of this Part, no fees
27 shall be required for radioactive materials licenses authorizing the use of source
28 material as shielding only in devices and containers, provided, however, that all
29 other licensed radioactive material in the device or container will be subject to the
30 fees required by § 15.5 of this Part.

1 B. Payment of Fees: All fees specified in the Department fee schedule shall be
2 submitted to the Agency.

3 C. Inquiries: Any inquiry regarding Agency fees should be addressed to the Agency
4 as specified in § 1.4 of this Subchapter.

5 **15.4 X-Ray Fees**

6 **15.4.1 Submission of Initial Fee**

7 A. Each initial application for a Registration Certificate in a category for which a fee
8 has been established in the Department fee schedule shall be accompanied by a
9 fee in the amount of the Annual Fee specified for that registration category. A
10 registration application shall not be considered prior to payment of the full
11 amount specified. Registration applications for which no remittance is received
12 shall be returned to the applicant.

13 B. Initial applications, accompanied by the appropriate registration fee and which
14 are received by the Agency during the period 1 July through 31 August of a
15 calendar year shall also constitute a renewal application for the period ending 31
16 August of the following calendar year, without payment of an additional annual
17 registration fee.

18 **15.4.2 Nonstandard Facilities and Services Fee**

19 Facilities and services which are approved by the Agency for registration but
20 which do not fit the descriptions of the categories in § 15.4.6 of this Part shall be
21 assessed at a rate which coincides with an appropriate category, as determined
22 by the Agency.

23 **15.4.3 Fee Rebates Not Authorized**

24 Rebates shall not be made for existing registrants who terminate operations prior
25 to the expiration of their Registration Certificates.

26 **15.4.4 Late Fees**

27 Failure of any registered facility or service to submit the indicated annual
28 registration fee for renewal of registration prior to the expiration date of current
29 Registration Certificate shall be assessed a late fee established in the
30 Department fee schedule in addition to the required registration fee.

31 **15.4.5 Annual Fees**

32 The Agency shall issue an annual fee invoice to each registrant, based on the
33 applicable annual fee established in the Department fee schedule. Fees shall be
34 payable prior to the expiration date of the registrant's current Registration
35 Certificate.

1 **15.4.6 X-Ray Registration Categories**

Healing Arts Registration Categories

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|---|--|
| Dental X-ray Facility [DEF] | ▲ Facilities performing diagnostic radiography limited to intra-oral dental procedures and/ or extra-oral dental procedures, including panoramic procedures and cephalometric procedures. |
| Hospital Radiology Facility [HRF] | ▲ Facilities performing general purpose diagnostic radiographic procedures (including fluoroscopy) in an institution licensed by the State of Rhode Island as a hospital. |
| Radiology Facility [RAD] | ▲ Facilities performing general purpose diagnostic radiographic procedures (including fluoroscopy) outside of an institution licensed by the State of Rhode Island as a hospital. |
| Radiation Therapy Facility [RTF] | ▲ Facilities utilizing one or more therapeutic radiation machines, including dedicated therapy simulator(s). |
| Specific Radiology Facility (Single Category) [SRF] | ▲ Facilities performing diagnostic radiography (excluding fluoroscopy) limited to a single category of specific radiographic procedures, as specified on the facility's application. The category shall also include facilities performing only chiropractic or podiatric procedures.
▲ Facilities utilizing x-ray system(s) solely for human subjects research in accordance with Institutional Review Board (IRB) approval. |
| Specific Radiology Facility (Multiple Categories) [SRM] | ▲ Facilities performing two (2) or more categories of specific diagnostic radiography procedures (excluding fluoroscopy), as specified on the facility's application. |
| Veterinary X-ray Facility [VEF] | ▲ Facilities performing diagnostic radiography limited to veterinary procedures. |

Non-Healing Arts Registration Categories

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|--|--|
| Industrial Radiography Facility [IRF] | ▲ Facilities utilizing X-ray equipment to perform industrial radiographic procedures. |
| Industrial Radiation Machine (Type A) Facility [IRA] | ▲ Facilities utilizing a Category A industrial radiation machines as defined in Part 6 of this Subchapter. |
| Industrial Radiation Machine (Type B) Facility [IRB] | ▲ Facilities utilizing a Category B industrial radiation machines as defined in Part 6 of this Subchapter. |
| Other Non-Healing Arts Facility [OTH] | ▲ Facilities utilizing X-ray equipment for non-healing arts applications not otherwise defined in this Subchapter. |

Particle Accelerator Facility [PAF] ▲ Facilities utilizing particle accelerators not authorized for human use.

Services Registration Categories

Provider of X-ray Services [PXS] ▲ Individuals or facilities providing installation and/or servicing of X-ray equipment and associated components for Agency registrants.
▲ Individuals or facilities providing NVLAP certified personnel dosimetry services for Agency registrants and/or radioactive materials licensees.

Radiation Physics Services [RPS] ▲ Calibration of health physics instrumentation for Agency registrants and/or radioactive materials licensees.
▲ General radiation physics services for Agency registrants and/or radioactive materials licensees.
▲ Diagnostic X-ray Physics services for Agency registrants. [Calibration and surveys of diagnostic X-ray equipment]
▲ Diagnostic X-ray Physics services for Agency registrants. [Calibration and surveys of computed tomography (CT) X-ray systems]
▲ Radiotherapy Physics services for Agency registrants. [Calibration and surveys of therapeutic radiation machines]
Radiotherapy Physics services for Agency materials licensees. [Calibration and surveys of remote afterloader units, teletherapy units, and/or gamma stereotactic radiosurgery units]

Storage X-ray Facility [STO] Facilities limited to storage of X-ray equipment, excluding X-ray equipment exempt from registration under this Subchapter.

1 **15.5 Radioactive Materials Fees**

2 **15.5.1 Application Fee**

3 Each initial application for a license in a category for which a fee has been
4 established in the Department fee schedule shall be accompanied by a non-
5 refundable fee in the amount of the Annual Fee specified for that license
6 category. A license application shall not be considered prior to payment of the
7 full amount specified. License applications for which no fee is received shall be
8 returned to the applicant.

1 **15.5.2 Annual Fees**

2 A. Assessment of Fees: The Agency shall issue an annual fee invoice to each
3 licensee, based on the applicable annual fee established in the Department fee
4 schedule shall. Fees shall be payable within thirty (30) days after receipt of a fee
5 invoice.

6 B. Eligibility for Waiver of Annual Fee: Any broad-scope (academic or medical)
7 licensee, or any licensee which is a governmental agency of the State of Rhode
8 Island, that provides in-kind services to the Agency and/or performs services
9 pursuant to an accepted written agreement with the Agency, and which are
10 valued at an amount equal to or greater than their annual license fee, may submit
11 a written request for a waiver from payment of the annual license fee. Upon
12 approval by the Agency, this waiver shall only remain in effect for that annual
13 licensing period. A new waiver request must be submitted for each subsequent
14 annual licensing period.

15 1. For the purposes of this Part, “governmental agency” shall be construed to
16 include any department, office, commission or similar public entity
17 established by Executive Order or pursuant to the Rhode Island General
18 Laws.

19 C. Revocation of Annual Fee Waiver: Upon written notice of noncompliance to the
20 licensee, the Agency may revoke any waiver, approved pursuant to § 15.5.2(B)
21 of this Part, for failure to provide or perform all services pursuant to the accepted
22 written agreement. The Agency may also invoice the licensee for any difference
23 between the originally waived annual fee and the value of services already
24 performed during that annual licensing period.

25 **15.5.3 Amendment Fees**

26 A. Assessment of Fees: A licensee shall notify the Agency prior to submitting an
27 amendment so that the appropriate amendment fee can be determined.
28 Amendment fees are established in the Department fee schedule and shall be
29 assessed in accordance with written criteria established by the Agency. The
30 written criteria shall be based on the Agency's estimate of the typical time and
31 effort required to complete action on that general category of amendment
32 request.

33 B. Nonstandard Amendment Fees: A nonstandard amendment request which is not
34 addressed by the Agency's written criteria shall be assessed an amendment fee
35 which most closely approximates the time and effort necessary to complete
36 action on the amendment request, as determined by the Agency.

37 C. Submission of Amendment Fees: The appropriate amendment fee shall
38 accompany the amendment request when it is submitted to the Agency. If the
39 time and effort required to complete Agency action on the amendment request is
40 significantly different than the basis for assessing the amendment fee, the

1 Agency shall refund any overcharges or bill the licensee for an additional
2 amendment fee up to a total maximum fee established in the Department fee
3 schedule.

4 **15.5.4 Reciprocity Fees**

5 A. Each annual application to operate in Rhode Island under reciprocity shall be
6 accompanied by a non-refundable fee equal to the amount established in the
7 Department fee schedule for the specified category of activity. There will be no
8 pro-rating of reciprocity fees.

9 1. Category 1: Activities equivalent to those authorized by Categories 3D, 3K
10 (broad-scope only) or 4B in § 15.5.7 of this Part.

11 2. Category 2: Activities equivalent to those authorized by Categories 1B,
12 2C, 3I, 3K (other than broad-scope), 4C or 5A in § 15.5.7 of this Part.

13 3. Category 3: Activities equivalent to those authorized by Categories 1A, 3L
14 or 8A in § 15.5.7 of this Part.

15 4. Any activity which is not specifically identified in §§ 15.5.4(A)(1), (A)(2) or
16 (A)(3) of this Part shall be assessed a fee which coincides with the
17 appropriate Category, as determined by the Agency.

18 B. Notwithstanding the provisions of § 15.5.4(A) of this Part, a reciprocity application
19 based on a radioactive materials license which authorizes activities comparable
20 to § 15.5.7 of this Part - Category 3I, but which only requests authorization to
21 perform “electronic checks” or other activities which do not involve disassembly
22 of shielding or actual manipulation of sealed sources, shall be accompanied by a
23 non-refundable fee established in the Department fee schedule.

24 C. A reciprocity application shall not be considered prior to payment of the full
25 amount specified. Reciprocity applications for which no remittance is received
26 shall be returned to the applicant.

27 D. No additional reciprocity fees shall be required for the same category of activity
28 during the remainder of that calendar year. All reciprocity authorizations shall
29 expire on 31 December of the year in which the application was submitted. Any
30 additional reciprocity activity beyond 31 December of that year shall require a
31 renewal application.

32 **15.5.5 Registration of General Licenses Pursuant to § 7.7.1 [GEN-4]**

33 A. Each initial application for registration of a generally licensed device pursuant to
34 § 7.7.1 of this Subchapter [GEN-4] shall be accompanied by a fee established in
35 the Department fee schedule for each address or location of use and/or storage,
36 as defined in § 7.7.1 of this Subchapter. There will be no pro-rating of
37 registration fees.

- 1 B. No additional fees shall be required for:
- 2 1. Registration of additional generally licensed devices at the same address
- 3 or location of use and/or storage.
- 4 2. Annual renewal of registrations pursuant to § 7.7.1 of this Subchapter.
- 5 C. All registrations issued pursuant to § 7.7.1 of this Subchapter [GEN-4] shall
- 6 expire on 31 December of the year for which the registration information was
- 7 submitted.

8 **15.5.6 Non-Routine Inspection Fees**

9 A non-routine inspection is only conducted in response to a significant regulatory

10 event including, but not limited to, a reportable incident or overexposure, loss of

11 radioactive material or unresolved non-compliance with license conditions or

12 regulatory requirements. The Agency shall issue a non-routine inspection fee

13 invoice to each licensee whenever the Agency conducts an inspection of the

14 licensee's activities at an interval more frequent than currently established for

15 that category of licensee. The fee shall be based on fifty percent (50%) of the

16 applicable annual fee established in the Department fee schedule. Fees shall be

17 payable within thirty (30) days after receipt of a fee invoice.

18 **15.5.7 Radioactive Materials License Categories**

1. Special Nuclear Material
- A. Licenses for possession and use of special nuclear material of less than a critical mass, as defined in 10 CFR § 70.4, in sealed sources contained in devices used in industrial measuring systems including X-ray fluorescence analyzers. Licenses that cover both radioactive and special nuclear material in sealed sources for use in gauging devices will only be subject to the fee for Category 3I.
- B. All other licenses for possession and use of special nuclear material in unsealed form and in quantities not sufficient to form a critical mass.
2. Source Material
- A. Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap leaching, refining uranium mill concentrates to uranium hexafluoride, ore buying stations, ion exchange facilities, and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of radioactive waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.
- B. Licenses for possession and use of source material for shielding. Licensees paying fees under Category 3B or 7B are not subject to fees under Category 2B for possession and shielding authorized on the same license.

- C. All other source material licenses.
- 3. Radioactive Material Other Than Source Material and Special Nuclear Material
 - A. Licenses of broad scope for possession and use of radioactive material for processing or manufacturing of items containing radioactive material for commercial distribution.

Other (limited) licenses for possession and use of radioactive material for processing or manufacturing of items containing radioactive material for commercial distribution.
 - B. Licenses authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing radioactive material.

Licenses and approvals authorizing the distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices not involving processing of radioactive material.
 - C. This license category is not currently utilized in Rhode Island.
 - D. Licenses for possession and use of radioactive material for industrial radiography operations.
 - E. Licenses for possession and use of radioactive material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units).
 - F. Licenses for possession and use of less than 10,000 curies of radioactive material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.

Licenses for possession and use of 10,000 curies or more of radioactive material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.
 - G. Licenses to distribute items containing radioactive material that require sealed source and/or device review to persons generally licensed, except specific licenses authorizing redistribution of items that have been authorized for distribution to generally licensed persons.

Licenses to distribute items containing radioactive material that do not require sealed source and/or device review to persons generally licensed, except specific licenses authorizing redistribution of items that have been authorized for distribution to generally licensed persons.
 - H. This license category is not currently utilized in Rhode Island.
 - I. Licenses that authorize service for other licensees, except (1) licenses that authorize leak testing and/or calibration services only are subject to the fees specified in Category 3L, and (2) licenses that authorize waste disposal services are subject to fees specified in Categories 4A, 4B and 4C.
 - J. This license category is not currently utilized in Rhode Island.
 - K. Licenses of broad scope for possession and use of radioactive material for research and development that do not authorize commercial distribution.

Other (limited) licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution.

- L. All other specific radioactive materials, except those in Categories 4A through 8A. Licenses that cover both radioactive and special nuclear material in sealed sources for use in gauging devices will only be subject to the fee for Category 3L.
4. Waste Disposal
- A. Licenses specifically authorizing the receipt of waste radioactive material from other persons for the purpose of commercial disposal by land burial by the licensee; or licenses for treatment or disposal by incineration, packaging of residues resulting from incineration and transfer of packages to another person authorized to dispose of waste material.
 - B. Licenses specifically authorizing the receipt of waste radioactive material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.
 - C. Licenses specifically authorizing the receipt of prepackaged waste radioactive material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.
5. Well Logging
- A. Licenses specifically authorizing use of radioactive material for well logging, well surveys and tracer studies other than field flooding tracer studies.
 - B. Licenses for possession and use of radioactive material for field flooding tracer studies.
6. Nuclear Laundries
- A. Licenses for commercial collection and laundry of items contaminated with radioactive material.
7. Human Use of Radioactive Material
- A. Licenses for human use of radioactive material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices.
 - B. Licenses issued for human use of radioactive material, except radioactive material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices.
 - C. This license category is not currently utilized in Rhode Island.
 - D. Licenses of broad scope issued to medical institutions or two or more physicians authorizing research and development, including human use of radioactive material, except radioactive material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices.

8. Civil Defense
 - a. Licenses for possession and use of radioactive material for civil defense activities.
9. Device, Product or Sealed Source Safety Evaluation
 - a. This license category is not currently utilized in Rhode Island.
 - b. This license category is not currently utilized in Rhode Island.
 - c. This license category is not currently utilized in Rhode Island.
 - d. This license category is not currently utilized in Rhode Island.
10. Other Licenses and Authorizations
 - a. Radioactive materials licenses and other approvals authorizing decommissioning, decontamination, reclamation or site restoration activities in accordance with this Subchapter.