

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R074-19

November 15, 2019

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-16, 18-23, 26 and 27, section 34 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460); §§17, 24 and 25, section 34 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460) and NRS 439.150; §§28 and 29, NRS 459.201.

A REGULATION relating to radiation; defining the terms “crime involving moral turpitude” and “unprofessional conduct”; establishing certain fee amounts; setting forth the scope of practice for radiologist assistants and persons who hold licenses or limited licenses to engage in radiation therapy and radiologic imaging; setting forth continuing education requirements; setting forth the supervision requirements that apply to a person who holds a limited license; designating three additional national accrediting organizations that may accredit educational programs for certain licenses; providing the process through which a license or limited license to engage in radiation therapy and radiologic imaging may be renewed; requiring a license holder to notify the Division of Public and Behavioral Health of the Department of Health and Human Services of any change in his or her mailing address or name; authorizing the Division to request that the operators of certain machines satisfy certain requirements; setting forth the requirements a person must satisfy to be issued a rural authorization; requiring certain persons to provide certain information and pay a fee before he or she is issued a license or limited license to engage in radiation therapy and radiologic imaging; requiring the Division to issue a provisional license or provisional registration in certain situations; setting forth the process for an informal discussion and informal conference to resolve certain complaints; revising the list of items that are adopted by reference; revising certain provisions relating the transfer of source material; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Senate Bill No. 130 of the 2019 Legislative Session created a new chapter in the Nevada Revised Statutes that governs the licensing and regulation of persons who engage in radiation therapy and radiologic imaging. Section 34 of Senate Bill No. 130 requires the State Board of Health to adopt certain regulations governing such persons.

If the holder of a license or limited license to engage in radiation therapy and radiologic imaging commits certain violations, section 48 of Senate Bill No. 130 authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to: (1) deny, suspend, revoke or refuse to renew a license or limited license; (2) impose limitations on the practice of a holder of such a license or limited license; or (3) impose a civil penalty of up to \$1,000 per violation. (Section 48 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2731 (NRS 653.700)) Such disciplinary measures apply to a license holder who has been convicted of a crime involving moral turpitude or who engaged in unprofessional conduct. Section 34 of Senate Bill No. 130 requires the Board to adopt regulations that define the terms “crime involving moral turpitude” and “unprofessional conduct.” (Section 34 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460)) **Sections 14 and 15** of this regulation, respectively, define the terms “crime involving moral turpitude” and “unprofessional conduct.”

Section 34 of Senate Bill No. 130 requires the Board to adopt regulations that establish the fees for the application for and the issuance and renewal of a license or a limited license. (Section 34 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460)) **Section 17** of this regulation requires an applicant for the issuance or renewal of a license or limited license to engage in radiation therapy and radiologic imaging to pay the applicable fee and establishes such fee amounts. **Section 17** further requires the Division to refund a portion of the fee collected to the person who paid the fee if the payment of the fee was made in error.

Section 34 of Senate Bill No. 130 requires the Board to adopt regulations defining the scope of practice for radiologist assistants and persons who hold licenses and limited licenses to engage in radiation therapy or radiologic imaging. (Section 34 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460)) **Section 18** of this regulation defines the scope of practice for: (1) radiologist assistants; (2) persons who hold a license or limited license to engage in radiation therapy; (3) persons who hold a license or limited license to engage in radiologic imaging; and (4) persons who hold a limited license to engage in radiologic imaging.

Section 34 of Senate Bill No. 130 requires the Board to adopt regulations prescribing the requirements for continuing education for the renewal of a license or limited license. Such regulations must require the holder of a license to complete more hours of continuing education than the holder of a limited license. (Section 34 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460)) **Section 19** of this regulation establishes such continuing education requirements. **Section 19** provides that: (1) a person who holds a license must complete either 24 hours or 50 hours of continuing education, depending on the person’s area of practice; and (2) a person who holds a limited license must complete 20 hours of continuing education.

Section 37 of Senate Bill No. 130 authorizes the holder of a limited license to perform radiologic imaging only: (1) within the scope of the limited license; and (2) under the supervision required by the regulations adopted by the Board. (Section 37 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2725 (NRS 653.520)) Section 34 of Senate Bill No. 130 requires the Board to adopt regulations prescribing: (1) the qualifications of a person

who is authorized to supervise the holder of a limited license; (2) the tasks for which such supervision is required; and (3) the level of supervision required. (Section 34 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460)) **Section 20** of this regulation sets forth these requirements for supervision.

Section 34 of Senate Bill No. 130 authorizes the Board to adopt any other regulations necessary or convenient to carry out the provisions of the new provisions enacted that govern radiation therapy or radiologic imaging. (Section 34 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460))

Section 36 of Senate Bill No. 130 authorizes the Division to issue a license to engage in radiation therapy and radiologic imaging to a person who has successfully completed an educational program accredited by certain national accrediting organizations or by another national accrediting organization approved by the Division. (Section 36 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2725 (NRS 653.510)) **Section 16** of this regulation provides three such additional national accrediting organizations: (1) a regional accrediting agency, as recognized by the American Registry of Radiologic Technologists; (2) the Conjoint Accreditation Services of the Canadian Medical Association; and (3) the Australian Society of Medical Imaging and Radiation Therapy.

Section 35 of Senate Bill No. 130 provides that a license or limited license to engage in radiation therapy or radiologic imaging expires 2 years after the date on which the license was issued and must be renewed on or before that date. (Section 35 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2724 (NRS 653.500)) **Section 21** of this regulation sets forth the requirements for the renewal of the license or limited license. **Section 21** further provides that if an application to renew a license or limited license is received in a certain period of time and the applicant has not satisfied the requirements for renewal, the Division shall provide to the applicant a notice which explains that the Division will not renew the license or limited license. **Section 21** authorizes the applicant to correct the errors that result in such a notice within a certain period of time. If the applicant fails to correct such errors in his or her application, **section 21** requires the Division to send a notice of denial of renewal to the applicant. **Section 21** authorizes an applicant to request a hearing to contest the notice of denial to renew. If the applicant's license or limited license is not renewed, the applicant may submit an application to be issued a new license or limited license.

Section 22 of this regulation requires a person who holds a license or limited license to notify the Division of any change in his or her mailing address or name.

Section 23 of this regulation authorizes the Division, while inspecting a machine that produces radiation or radioactive materials, to request documentation which shows that the operators of such machines satisfy the applicable requirements for training and credentialing that applies to a person who holds a license or limited license to engage in radiation therapy or radiologic imaging.

Section 43 of Senate Bill No. 130 authorizes a person who does not hold a license or limited license to engage in radiation therapy or radiologic imaging to take X-ray photographs if the person: (1) registers with the Division; (2) completes certain training and continuing

education; and (3) such X-ray photographs are taken as part of his or her employment as an independent contractor in a rural health clinic or federally-qualified health center that is located in a county whose population is less than 55,000 and has established a quality assurance program for X-ray photographs. (Section 43 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2729 (NRS 653.620)) **Section 24** of this regulation provides that such a person must be issued a rural authorization by the Division before taking X-ray photographs. **Section 24** sets forth the requirements a person must satisfy to be issued or to renew a rural authorization. Such requirements include the payment of a fee set forth in **section 17**. **Section 26** of this regulation requires the Division to issue a provisional registration to a person who has applied for a rural authorization but has not yet been issued a rural authorization.

Section 75 of Senate Bill No. 130 requires the Division to issue a license or limited license to a person who: (1) is performing radiation therapy or radiologic imaging as part of his or her employment on or before January 1, 2020; (2) registers with the Division; and (3) provides any information requested by the Division. (Section 75 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2744) **Section 25** of this regulation sets forth the information a person must provide to the Division to be issued such a license or limited license. **Section 25** requires such a person to pay the fee for the issuance of a license or limited license that is set forth in **section 17**. **Section 26** requires the Division to issue a provisional license to such a person while the person is waiting to be issued or denied his or her license or limited license.

Section 26 additionally requires the Division to issue: (1) a provisional license to a person who has not been performing radiation therapy or radiologic imaging as part of his or her employment on or before January 1, 2020, and applies for a license or limited license to engage in radiation therapy and radiologic imaging but has not been issued or denied such a license or limited license; and (2) a provisional registration to a person who has performed computed tomography or fluoroscopy on January 1, 2020, and has registered with the Division to continue to perform computed tomography or fluoroscopy but has not been issued or denied such registration.

Section 27 of this regulation authorizes a person who holds a license or limited license, holds a registration or who applies for a license, limited license or registration and who has reason to believe that certain actions taken by the Division against him or her is incorrect or based on inadequate facts to request an informal discussion with certain employees of the Division. **Section 27** authorizes the person to request an informal conference with the Division if the informal discussion does not resolve the complaint. The determination of the Division that results from the informal conference cannot be appealed and is the final remedy available to the person.

Existing regulations adopt by reference certain sections of federal regulations regarding the physical protection of certain quantities of radioactive material. (NAC 459.1232) **Section 28** of this regulation removes one section of federal regulations that previously adopted by reference.

Existing regulations provide the requirements for a general license for source materials. Existing regulations prohibit a person from initially transferring or distributing source material to persons who have certain general licenses unless authorized by a specific license issued pursuant

to several regulatory provisions relating to the licensing of radioactive material. (NAC 459.212) **Section 29** of this regulation prohibits such initial transfer or distribution unless authorized by a specific license issued pursuant to one particular regulatory provision relating to initially transfer source material.

Section 1. Chapter 653 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 27, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Contact hour” means 50 minutes of learning or instruction.*

Sec. 4. *“Continuing education activity” means a course or program that is planned, organized and administered to:*

- 1. Provide sufficient depth and scope of a subject area; and*
- 2. Enhance the knowledge and skill that underlies the professional performance that a license holder uses to provide services to patients, the public or the medical profession.*

Sec. 5. *“Continuing education credit” means 1 contact hour in a continuing education activity that is:*

- 1. Approved by the Division; or*
- 2. Prescribed and recognized by:*
 - (a) The American Registry for Radiologic Technologists, or its successor organization;*
 - (b) The Nuclear Medicine Technology Certification Board, or its successor organization;*
 - (c) An regional accrediting agency, as recognized by the American Registry of Radiologic Technologists;*
 - (d) The Conjoint Accreditation Services of the Canadian Medical Association; or*
 - (e) The Australian Society of Medical Imaging and Radiation Therapy.*

Sec. 6. *“Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 7. *“License” has the meaning ascribed to it in section 26 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2722 (NRS 653.350).*

Sec. 8. *“License holder” means a person who holds a license or limited license to engage in radiation therapy and radiologic imaging issued pursuant to sections 22 to 51, inclusive, of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at pages 2722-32 (NRS 653.310 to 653.910, inclusive).*

Sec. 9. *“Licensed practitioner” means a person who is licensed or authorized pursuant to chapters 630 to 640, inclusive, of NRS.*

Sec. 10. *“Limited license” has the meaning ascribed to it in section 27 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2722 (NRS 653.360).*

Sec. 11. *“Radiation therapy” has the meaning ascribed to it in section 29 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2722 (NRS 653.380).*

Sec. 12. *“Radiologic imaging” has the meaning ascribed to it in section 30 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2722 (NRS 653.390).*

Sec. 13. *“Radiologist assistant” has the meaning ascribed to it in section 31 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2722 (NRS 653.400).*

Sec. 14. *For the purpose of paragraph (e) of subsection 1 of section 34 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460), “crime involving moral turpitude” means:*

(a) A crime committed by a license holder that resulted in harm to a patient of the license holder;

(b) A crime of dishonesty that might impair the ability of a license holder to perform his or her duties; or

(c) A violation by the license holder of any federal or state law that regulates the possession, distribution or use of any controlled substance or any dangerous drug within the immediately preceding 7 years.

2. The term includes, without limitation:

(a) Any abuse, neglect, exploitation, isolation or abandonment by the license holder of a patient of such the license holder who is an older person or vulnerable person, including, without limitation, a violation of:

(1) NRS 200.5091 to 200.50995, inclusive; or

(2) A law or regulation of the District of Columbia or any state or territory of the United States that prohibits the same or similar conduct.

(b) A violation by the license holder of NRS 422.450 to 422.590, inclusive.

3. As used in this section:

(a) “Abandonment” has the meaning ascribed to it in NRS 200.5092.

(b) “Abuse” has the meaning ascribed to it in NRS 200.5092.

(c) “Crime of dishonesty” means any crime involving fraud or false personation.

(d) “Dangerous drug” has the meaning ascribed to it in NRS 454.201.

(e) “Exploitation” has the meaning ascribed to it in NRS 200.5092.

(f) “Isolation” has the meaning ascribed to it in NRS 200.5092.

(g) “Neglect” has the meaning ascribed to it in NRS 200.5092.

(h) “Older person” has the meaning ascribed to it in NRS 200.5092.

(i) “Vulnerable person” has the meaning ascribed to it in NRS 200.5092.

Sec. 15. *For the purpose of paragraph (e) of subsection 1 of section 34 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460), “unprofessional conduct” means when a license holder engages in the following conduct:*

1. A departure from or failure to conform to the rules of applicable federal, state or local governments regarding the practice of radiation therapy and radiologic imaging. If no such rule exists, a departure from or failure to conform to the minimal standards of acceptable and prevailing practice for radiation therapy and radiologic imaging.

2. Any practice of radiation therapy and radiologic imaging that may create unnecessary danger to the life, health or safety of the patient of the license holder.

↪ Actual injury to a patient of the license holder or the public need not be established for a license holder to engage in unprofessional conduct.

Sec. 16. *For the purpose of subsection 1 of section 36 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2725 (NRS 653.510), the Division may issue a license to engage in radiation therapy and radiologic imaging to a person who is certified pursuant to subsection 2 of section 36 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2725 (NRS 653.510), and who has successfully completed an educational program accredited by:*

1. A regional accrediting agency, as recognized by the American Registry of Radiologic Technologists;

2. The Conjoint Accreditation Services of the Canadian Medical Association, or its successor organization; or

3. The Australian Society of Medical Imaging and Radiation Therapy, or its successor organization.

Sec. 17. 1. *A person who is applying to the Division for the issuance or renewal of a license or a limited license pursuant to sections 22 to 51, inclusive, of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at pages 2722-32 (NRS 653.310 to 653.910, inclusive), shall pay the applicable fee for the issuance or renewal of a license or limited license which is set forth in this section.*

2. Before issuing or renewing a license or a limited license, the Division shall charge and collect the issuance or renewal fee which is set forth in this section.

3. The Division shall charge and collect the following fees:

<i>For the issuance or renewal of a license or a limited license pursuant to section 36 or 37 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2725 (NRS 653.510, 653.520)</i>	<i>200</i>
<i>For the issuance or renewal of a license or a limited license section 38 or 39 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2726 (NRS 653.530, 653.540).....</i>	<i>200</i>
<i>For issuance of a provisional license</i>	<i>25</i>
<i>For issuance of a temporary student license pursuant to subsection 3 of section 42 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2729 (NRS 653.610).....</i>	<i>25</i>
<i>For issuance of a duplicate license or a duplicate limited license</i>	<i>25</i>
<i>For the issuance or renewal of a rural authorization pursuant to section 24 of this regulation.....</i>	<i>50</i>
<i>For the issuance or renewal of a registration to perform computed tomography or fluoroscopy if the person performed computed</i>	<i>200</i>

tomography or fluoroscopy as part of his or her employment on January 1, 2020, as provided in subsection 3 of section 43 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2729 (NRS 653.620).....

4. If the payment of an applicable fee was made in error, the Division shall refund the fee collected pursuant to subsection 3. The Division may deduct from this refund amount an amount that is calculated to cover the administrative costs related to the issuance of the refund.

Sec. 18. *For the purpose of defining the scope of practice pursuant to paragraph (b) of subsection 1 of section 34 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460):*

1. A radiologist assistant who is authorized to practice pursuant to section 41 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2728 (NRS 653.600):

(a) May perform any duties relating to the care and management of patients, including, without limitation, radiologic imaging and interventional procedures guided by radiologic imaging, under the supervision of a radiologist who is certified by the American Board of Radiology, or its successor organization, or the American Osteopathic Board of Radiology, or its successor organization, in the areas of patient care, patient management, clinical imaging and interventional procedures.

(b) May provide initial observations concerning the images of a patient to a supervising physician who specializes in radiology.

(c) Shall not interpret images, make diagnoses, prescribe medication or therapies or otherwise engage in the practice of medicine, as defined in NRS 630.020.

2. A person who holds a license or a limited license to engage in radiation therapy issued pursuant to sections 22 to 51, inclusive, of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at pages 2722-32 (NRS 653.310 to 653.910, inclusive), may:

(a) Administer ionizing radiation emitted from X-ray machines, particle accelerators or sealed radioactive sources to human beings for therapeutic purposes.

(b) Perform simulation, procedures related to treatment planning, treatment delivery and dosimetric calculations as prescribed by a physician who is certified in radiation oncology by the American Board of Radiology, or its successor organization, or the American Osteopathic Board of Radiology, or its successor organization.

(c) Participate in procedures involving brachytherapy.

3. A person who holds a license or a limited license to engage in radiologic imaging issued pursuant to sections 22 to 51, inclusive, of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2722-32 (NRS 653.310 to 653.910, inclusive), may:

(a) While under the supervision of a licensed practitioner, if applicable, use ionizing radiation for diagnostic purposes or to visualize a medical condition by applying the ionizing radiation emitted from X-ray machines to any part of the human body;

(b) In conjunction with the study of radiation, administer contrast agents and related drugs for diagnostic purposes.

(c) Perform diagnostic radiographic and noninterpretive fluoroscopic procedures, as prescribed by a licensed practitioner, and may assist the licensed practitioner with fluoroscopic and specialized radiologic procedures.

4. A person who holds a limited license to engage in radiologic imaging issued pursuant to section 37 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2725 (NRS 653.520), may:

(a) Perform diagnostic radiographic procedures that are prescribed by a licensed practitioner on the specific areas of interest that are within the scope of practice of such a person.

(b) Assist a licensed practitioner or radiographer during static radiographic procedures.

(c) Perform radiographic examinations within the scope of practice of such a person.

Sec. 19. 1. To renew his or her license, limited license or rural authorization, the license holder or person who holds a rural authorization issued pursuant to section 24 of this regulation shall maintain and provide to the Division evidence that he or she has completed not less than the required amount of continuing education credits set forth in this section.

2. If applicable, the license holder or person who holds a rural authorization issued pursuant to section 24 of this regulation shall provide to the Division the certificate or list for the continuing education credits that is provided by American Registry for Radiologic Technologists, or its successor organization, or the Nuclear Medicine Technology Certification Board, or its successor organization.

3. The license holder or person who holds a rural authorization issued pursuant to section 24 of this regulation shall provide to the Division, in addition to the information required in subsection 2, if applicable, the following information concerning his or her continuing education credits:

(a) The name of the participant;

(b) The date or dates of attendance;

- (c) The title and content of the continuing education activity;*
- (d) The number of continuing education credit hours earned; and*
- (e) The name of the organization sponsoring or providing the continuing education activity.*

4. A continuing education activity that lasts longer than 1 contact hour is assigned whole or partial continuing education credit based on the contact hour.

5. A continuing education activity that lasts for 30 minutes or less must receive no continuing education credit.

6. All continuing education activities must be evaluated and certified by a recognized continuing education evaluation mechanism. For an organization to qualify as a recognized continuing education mechanism, the organization must be:

- (a) National in scope;*
- (b) A nonprofit entity; and*
- (c) Radiology based or medical imaging-based.*

7. A person who holds a license to engage in radiation therapy and radiologic imaging issued pursuant to section 36 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2725 (NRS 653.510), must complete the applicable continuing education credits listed below before renewing his or her license:

(a) If the person holds a license to engage in radiation therapy, he or she must complete 24 continuing education credits.

(b) If the person holds a license to engage in radiologic imaging, he or she must complete 24 continuing education credits.

(c) If the person practices as a radiologist assistant, he or she must complete 50 continuing education credits.

8. A person who holds a limited license to engage in radiologic imaging issued pursuant to section 37 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2725 (NRS 653.520), must complete 20 continuing education credits relating to category A or A+, as established by the American Registry for Radiologic Technologists, before renewing his or her limited license.

9. A person who holds a rural authorization issued pursuant to section 24 of this regulation must complete 20 continuing education credits relating to category A or A+, as established by the American Registry for Radiologic Technologists, before renewing his or her rural authorization.

10. As used in this section, “recognized continuing education evaluation mechanism” is a radiology-based or medical imaging-based organization that the American Registry for Radiologic Technologists has approved to evaluate the content, quality and integrity of proposed continuing education activities. Such evaluation includes, without limitation, the evaluation of the educational objectives of a continuing education activity, content relevancy and assurance, faculty qualifications and education methods and materials. The following organizations have the recognized continuing education evaluation mechanism status:

- (a) American College of Radiology;*
- (b) American Healthcare Radiology Administrators;*
- (c) American Institute of Ultrasound in Medicine;*
- (d) American Roentgen Ray Society;*
- (e) American Society of Nuclear Cardiology;*

- (f) American Society of Radiologic Technologists;*
- (g) Association of Vascular and Interventional Radiographers;*
- (h) Canadian Association of Medical Radiation Technologists;*
- (i) Medical Dosimetrist Certification Board;*
- (j) Radiological Society of North America;*
- (k) Society of Diagnostic Medical Sonography;*
- (l) Society for Magnetic Resonance Technologist of International Society for Magnetic Resonance in Medicine;*
- (m) Society of Nuclear Medicine and Molecular Imaging Technologist Section; and*
- (n) Society for Vascular Ultrasound.*

Sec. 20. 1. *Pursuant to paragraph (d) of subsection 1 of section 34 of Senate Bill 130, chapter 435, Statutes of Nevada 2019, at page 2723 (NRS 653.460), a person who holds a limited license may perform radiologic imaging, as specified by his or her limited license, only while under the direct supervision of a licensed practitioner.*

2. When providing the direct supervision pursuant to subsection 1, the licensed practitioner:

(a) Is responsible for and must control the quality, radiation safety and protection and any other technical aspect of using ionizing radiation on human beings for diagnostic or therapeutic purposes.

(b) Must be:

(1) Present in the same area or an adjacent area to where the holder of the limited license is performing radiologic imaging; and

(2) Available to furnish immediate assistance and direction throughout the radiologic imaging.

Sec. 21. 1. *The Division shall not renew a license or limited license unless the applicant for renewal of the license or limited license provides to the Division evidence that he or she has:*

(a) Satisfied:

(1) The qualifications for the renewal of a license or limited license set forth in sections 2 to 27, inclusive, of this regulation and in sections 22 to 51, inclusive, of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2722-32 (NRS 653.310 to 653.910, inclusive); and

(2) The continuing education requirements set forth in section 19 of this regulation; and

(b) Paid the fee for the renewal of a license or limited license, as applicable, set forth in section 17 of this regulation.

2. If the Division receives an application to renew a license or limited license 90 days before the expiration of the license or limited license, the Division shall determine if the applicant for the renewal of the license or limited license has satisfied the requirements set forth in subsection 1. If the Division determines that an applicant for the renewal of the license or limited license has not satisfied the requirements set forth in subsection 1, the Division shall send a notice to the applicant explaining any deficiency which prevents the renewal of the license or limited license. Such notice must set forth a date by which the applicant must correct such a deficiency. Such notice must be sent to the applicant:

(a) Within 90 days of the receipt of the application for the renewal or the license or limited license by the Division; or

(b) Thirty days before the expiration date of the license or limited license,

↳ whichever occurs earlier.

3. An applicant for renewal of a license or limited license may, at any time while his or her application is pending, including, without limitation, before receiving the notice pursuant to subsection 2 or after receiving the notice pursuant to subsection 2, submit additional information to the Division to satisfy the requirements set forth in subsection 1 or to correct a deficiency that would result in receiving a notice pursuant to subsection 2. If the applicant fails to provide additional information to the Division by the date set forth in the notice received pursuant to subsection 2, the Division shall issue a notice to the applicant that explains that the Division has denied his or her application to renew the license or limited license.

4. An applicant who has received a notice of denial to renew the license or limited license issued pursuant to subsection 3 may request a hearing before the Administrator of the Division within 10 business days after the receipt of the notice. The applicant has the burden of proof in such a hearing. The applicant may appeal the determination of the Administrator for judicial review in the manner set forth in NRS 233B.121 to 233B.150, inclusive.

5. If the license or limited license of an applicant is not renewed and the applicant does not succeed in his or her appeal pursuant to subsection 4, the applicant may submit a new application for the issuance of a license or limited license. The applicant shall not engage in radiologic imaging or radiation therapy unless he or she has been issued a license or limited license from the Division.

Sec. 22. 1. *A license holder shall notify the Division of any change in the mailing address of the license holder or of any change in name, including, without limitation, a change in name that results from marriage, within 10 business days after such a change. A license holder may make such a notice either in writing or through the Internet website of the Division.*

2. *If a license holder fails to notify the Division pursuant to subsection 1, the Division shall not consider such failure to notify:*

(a) *A cause to delay any administrative proceedings involving the license holder that may subsequently occur; or*

(b) *As excusing the license holder from complying with any of the provisions of sections 22 to 51, inclusive, of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2722-32 (NRS 653.310 to 653.910, inclusive), or the provisions of sections 2 to 27, inclusive, of this regulation.*

Sec. 23. *While inspecting a machine that produces radiation or radioactive materials, the Division may request documentation which shows that the operators of such machines satisfy the applicable requirements for training and credentialing that applies to license holders.*

Sec. 24. 1. *A person who seeks to take X-ray photographs pursuant to subsections 1 and 2 of section 43 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2729, must be issued a rural authorization by the Division before taking such X-ray photographs.*

2. *To be issued the rural authorization that is required pursuant to subsection 1, a person must:*

(a) *Submit to the Division a completed application form for rural authorization;*

(b) Pay the fee for the issuance of a rural authorization set forth in section 17 of this regulation;

(c) Submit to the Division a completed and signed statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520;

(d) Attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices; and

(e) Provide any additional information that the Division requests.

3. A rural authorization issued pursuant to section 1 expires 2 years after the date on which the rural authorization was issued and must be renewed.

4. To renew a rural authorization issued pursuant to subsection 1, the person who holds the rural authorization must:

(a) Submit to the Division a completed application form for the renewal of the rural authorization;

(b) Pay the fee for the renewal of a rural authorization set forth in section 17 of this regulation;

(c) Submit to the Division a completed and signed statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520;

(d) Attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices;

(e) Complete the applicable continuing education requirements set forth in section 19 of this regulation; and

(f) Provide any additional information that the Division requests.

Sec. 25. 1. *Pursuant to section 75 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2744, the Division shall issue a license or a limited license to a person who:*

(a) Is performing radiation therapy or radiologic imaging as part of his or her employment on or before January 1, 2020;

(b) Registers with the Division; and

(c) Provides the information set forth in subsection 2 to the Division.

2. *A person seeking to obtain a license or limited license pursuant to subsection 1 must:*

(a) Submit to the Division a completed application form for a license or limited license;

(b) Pay the fee for the issuance of a license or limited license, as applicable, set forth in section 17 of this regulation;

(c) Submit to the Division a signed attestation of employment in radiation therapy or radiologic imaging on or before January 1, 2020, including, without limitation, a description of his or her scope of practice;

(d) Submit to the Division a completed and signed statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520; and

(e) Provide any additional information that the Division requests.

Sec. 26. 1. *The Division shall issue a provisional license or provisional limited license to a person who meets the requirements set forth in paragraphs (a) and (b) and provides any*

information required pursuant to paragraph (c) of section 75 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2744.

2. The Division shall issue a provisional registration to a person who:

(a) Takes X-ray photographs as part of his or her employment on or before January 1, 2020, and has submitted an application to be issued a rural authorization pursuant to section 24 of this regulation; or

(b) Has submitted a registration form to the Division pursuant to subsection 3 of section 43 Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2729 (NRS 653.620).

3. A provisional license, provisional limited license or provisional registration issued pursuant to subsection 1 or 2, as applicable, may not be renewed and expires:

(a) On the date on which the holder of the provisional license, provisional limited license or provisional registration, as applicable, is issued a license, limited license or a registration, as applicable, by the Division;

(b) On the on which the application of the holder of the provisional license, provisional limited license or provisional registration, as applicable, is denied by the Division; or

(c) One year after the date on which the holder of the provisional license, provisional limited license or provisional registration, as applicable, is initially employed to engage in radiation therapy, radiologic imaging, taking X-ray photographs or performing computed tomography or fluoroscopy, as applicable.

Sec. 27. 1. A license holder, person who holds a registration pursuant to section 43 of Senate Bill No. 130, Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2729 (NRS 653.620) or an applicant for a license or limited license or for such a registration who has reason to believe that an action taken by the Division against the license holder or

applicant pursuant to sections 22 to 51, inclusive, of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at pages 2722-32 (NRS 653.310 to 653.910, inclusive), is incorrect or based on inadequate facts may, within 10 business days of receiving a notice of such an action, request an informal discussion with the employee of the Division who is responsible for the action and the immediate supervisor of the employee.

2. If the informal discussion entered into pursuant to subsection 1 does not resolve the complaint, the license holder, person who holds a registration pursuant to section 43 of Senate Bill No. 130, Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2729 (NRS 653.620) or an applicant for a license or limited license or for such a registration who has reason to believe that an action taken by the Division pursuant to sections 22 to 51, inclusive, of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2722-32 (NRS 653.310 to 653.910, inclusive), is incorrect or based on inadequate facts may, within 10 business days after the date of the informal discussion, submit a written request to the Division for an informal conference of at least three persons chosen by the Division that does not include the employees of the Division listed in subsection 1. The informal conference must be scheduled for a date, place and time that is agreed to by the license holder, person who holds a registration or applicant, as applicable, and the Division. Such an informal conference must occur not later than 60 days after the date on which the Division received the written request for the informal conference. If the license holder, person who holds a registration or applicant, as applicable, and the Division cannot agree to a date, place and time for the informal conference, the Division shall designate the date, place and time of the informal conference.

3. The determination of the Division that results from the informal conference cannot be appealed and is the final remedy available to the license holder or applicant.

4. The provisions of this section do not apply to a complaint that falls under the scope of section 48 or 49 of Senate Bill No. 130, chapter 435, Statutes of Nevada 2019, at page 2731 (NRS 653.700, 653.720).

Sec. 28. NAC 459.1232 is hereby amended to read as follows:

459.1232 1. The provisions of 10 C.F.R. Part 37 are hereby adopted by reference, subject to the following:

(a) The exclusion of the following definitions from 10 C.F.R. § 37.5:

- (1) “Act”;
- (2) “Commission”;
- (3) “Government agency”; and
- (4) “License.”

(b) Any reference in 10 C.F.R. Part 37 to:

- (1) “Byproduct material” shall be deemed a reference to “radioactive material.”
- (2) “Commission” or “NRC” shall be deemed a reference to “Division.”
- (3) “Commission or an Agreement State” shall be deemed a reference to “Division, Nuclear Regulatory Commission or an agreement state.”
- (4) “Commission’s regulations,” “federal regulations” or “NRC regulations” shall be deemed a reference to “NAC 459.010 to 459.950, inclusive.”
- (5) “NRC license” shall be deemed a reference to “license issued by the Division pursuant to NAC 459.010 to 459.950, inclusive.”

(6) “NRC Operations Center,” “NRC Regional Office listed in § 30.6(a)(2)” or “Director, Office of Nuclear Material Safety and Safeguards” shall be deemed a reference to “the provisions of NAC 459.134 and the contact information described in the State of Nevada Radiological Emergency Response Plan.”

(c) The following sections of 10 C.F.R. Part 37 are not adopted by reference:

(1) Section 37.1;

(2) Section 37.3;

(3) Section 37.7;

(4) Section 37.9;

(5) Section 37.11(b);

(6) Section 37.13;

(7) ~~Section 37.77(f)~~;

~~(8)~~ Section 37.107; and

~~(9)~~ (8) Section 37.109.

2. A copy of the publication that contains 10 C.F.R. Part 37 may be obtained by mail from the Superintendent of Documents, United States Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, at the price of \$67, or free of charge at the Internet address <http://www.gpoaccess.gov/cfr/index.html>.

Sec. 29. NAC 459.212 is hereby amended to read as follows:

459.212 1. A general license is hereby issued authorizing commercial and industrial firms, research, educational and medical institutions and federal, state and local governmental agencies to receive, possess, use and transfer uranium and thorium, in their natural isotopic concentrations

and in the form of depleted uranium for research, development, educational, commercial or operational purposes in the following forms and quantities:

(a) Not more than 1.5 kilograms (3.3 pounds) of uranium and thorium in dispersible forms, including, without limitation, gaseous, liquid and powder forms, at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material must be accounted for as a dispersible form. A person authorized to possess, use and transfer source material under this paragraph may not receive more than a total of 7 kilograms (15.4 pounds) of uranium and thorium in any 1 calendar year. Persons possessing source material in excess of these limits on August 27, 2013, may:

(1) Continue to possess up to 7 kilograms (15.4 pounds) of uranium and thorium at any one time through August 27, 2014, or until the Division takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and

(2) Receive up to 70 kilograms (154 pounds) of uranium or thorium in any 1 calendar year until December 31, 2014, or until the Division takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and

(b) Not more than one of the following:

(1) A total of 7 kilograms (15.4 pounds) of uranium and thorium at any one time. A person authorized to possess, use and transfer source material under this subsection may not receive more than a total of 70 kilograms (154 pounds) of uranium and thorium in any 1 calendar year. A person may not alter the chemical or physical form of the source material possessed under this subsection unless it is accounted for under the limits of paragraph (a).

(2) Seven kilograms (15.4 pounds) of uranium, removed during the treatment of drinking water, at any one time. A person may not remove more than 70 kilograms (154 pounds) of uranium from drinking water during a calendar year under this subsection.

(3) Seven kilograms (15.4 pounds) of uranium and thorium at laboratories for the purpose of determining the concentration of uranium and thorium contained within the material being analyzed at any one time. A person authorized to possess, use and transfer source material under this subsection may not receive more than a total of 70 kilograms (154 pounds) of source material in any 1 calendar year.

2. Any person who receives, possesses, uses or transfers source material in accordance with the general license issued in subsection 1:

(a) Is prohibited from administering source material, or the radiation therefrom, either externally or internally, to human beings except as may be authorized by the Division in a specific license.

(b) Shall not abandon such source material. Source material may be disposed of as follows:

(1) A cumulative total of 0.5 kilogram (1.1 pounds) of source material in a solid, nondispersible form may be transferred each calendar year, by a person authorized to receive, possess, use and transfer source material under the general license to persons receiving the material for permanent disposal. The recipient of source material transferred under the provisions of this subparagraph is exempt from the requirements to obtain a license under this section to the extent the source material is permanently disposed. This subparagraph does not apply to any person who is in possession of source material under a specific license issued pursuant to NAC 459.180 to 459.3154, inclusive; or

(2) In accordance with NAC 459.359.

(c) Is subject to the provisions of NAC 459.010 to 459.116, inclusive, 459.124, 459.126, 459.128, 459.134, 459.135, 459.180, 459.196, 459.198, 459.208, 459.312, 459.373 and 459.792.

(d) Shall respond to written requests from the Division to provide information relating to the general license within 30 calendar days after the date of the request, or such other time as specified in the request. If the person cannot provide the requested information within the allotted time, the person shall, within that same time period, request a longer period to supply the information by providing the Division, in accordance with NAC 459.134, a written justification for the request.

(e) Shall not export such source material except in accordance with 10 C.F.R. Part 110.

3. Any person who receives, possesses, uses or transfers source material in accordance with subsection 1 shall conduct activities so as to minimize contamination of the facility and the environment. When activities involving such source material are permanently ceased at any site, if evidence of significant contamination is identified, the general licensee shall notify the Division, in accordance with NAC 459.134, about such contamination and may consult with the Division as to the appropriateness of sampling and restoration activities to ensure that any contamination or residual source material remaining at the site where source material was used under this general license is not likely to result in exposures that exceed the limits set forth in NAC 459.3178.

4. A person who receives, possesses, uses or transfers source material pursuant to the general license issued under this section is exempt from the provisions of NAC 459.320 to 459.374, inclusive, and 459.780 to 459.794, inclusive, to the extent that the activities are within the terms of the general license except that such person shall comply with the provisions of NAC 459.359 to the extent necessary to meet the provisions of paragraph (b) of subsection 2 and

subsection 3. This exemption does not apply to any person who also possesses a specific license issued pursuant to NAC 459.180 to 459.3154, inclusive.

5. Except as otherwise provided in this subsection, no person may initially transfer or distribute source material to persons generally licensed under paragraph (a) of subsection 1, or equivalent regulations of the Nuclear Regulatory Commission or an agreement state, unless authorized by a specific license issued in accordance with NAC ~~459.180 to 459.3154, inclusive,~~ **459.241** or equivalent provisions of the Nuclear Regulatory Commission or an agreement state. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally licensed by paragraph (a) of subsection 1 before August 27, 2013, without specific authorization may continue through August 27, 2014. Distribution may also be continued until the Division takes final action on a pending application for a license or license amendment to specifically authorize distribution submitted on or before August 27, 2014.

6. A general license is also issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use or transfer source material.

Sec. 30. Section 26 of this regulation expires by limitation on January 1, 2021.