

House Bill 2193

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases fees imposed on tanning devices and X-ray machines regulated by Department of Human Services. Modifies term of registration of certain X-ray machines.

A BILL FOR AN ACT

1
2 Relating to devices regulated by Department of Human Services; amending ORS 431.940, 453.757 and
3 453.761.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 431.940 is amended to read:

6 431.940. (1) The Department of Human Services shall adopt by rule standards and a system of
7 registration for tanning devices. Any entity doing business in this state as a tanning facility shall
8 register the tanning devices with the department in a manner prescribed by rule.

9 (2) The registration shall include payment of an annual registration fee [*of*], not to exceed **\$100**
10 per tanning device[, \$76], prescribed by rule in an amount sufficient to cover the costs of adminis-
11 tering the regulatory program.

12 (3) The department may conduct inspections of tanning facilities to [*insure*] **ensure** compliance
13 with ORS 431.925 to 431.955.

14 **SECTION 2.** ORS 453.757 is amended to read:

15 453.757. (1) The Department of Human Services shall charge a biennial registration fee for a
16 registration granted pursuant to ORS 453.752 in the following amounts for:

17 (a) Hospital, radiological, chiropractic, osteopathic or medical X-ray machine, [*\$173*] **\$228**.

18 (b) Hospital X-ray machine when X-ray machine inspection is performed by an accredited
19 radiology inspector, [*\$88*] **\$116**.

20 (c) Industrial or podiatry X-ray machine, [*\$115*] **\$152**.

21 (d) Dental, academic or veterinary X-ray machine, [*\$87*] **\$112**.

22 (e) Microwave oven repair facility, [*\$87*] **\$112**.

23 (2) The Department of Human Services shall charge an annual license fee for a specific license
24 granted pursuant to ORS 453.665 [*which shall*] **that may** not exceed \$3,000 as determined by rule
25 of the Department of Human Services and approved by the Oregon Department of Administrative
26 Services.

27 (3) The fees prescribed by the Department of Human Services pursuant to subsections (1)(e) and
28 (2) of this section are due and payable [*on or before July 1 of each year*] **as prescribed by rule of**
29 **the department**.

30 (4) The department shall impose a [*\$200*] **\$264** fee for accreditation as a radiology inspector and
31 a biennial renewal fee of [*\$200*] **\$264**.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (5) All moneys received by the department under subsections (1)(e) and (2) of this section shall
 2 be paid into the State Treasury, deposited in the General Fund to the credit of the Public Health
 3 Account, and used exclusively by the department for the purposes of ORS 453.605 to 453.800.

4 **SECTION 3.** ORS 453.761 is amended to read:

5 453.761. (1) An X-ray machine registration for a hospital radiological provider shall be valid for
 6 [*one year*] **two years**, expiring in the [*following*] **second** year on the last day of the month of issu-
 7 ance.

8 (2) An X-ray machine registration for a chiropractic, osteopathic or medical doctor office or
 9 clinic shall be valid for two years, expiring in the second year on the last day of the month of is-
 10 suance.

11 (3) An X-ray machine registration for a podiatry, dental or veterinary office or clinic or an ac-
 12 ademic or industrial facility shall be valid for [*three*] **two** years, expiring in the [*third*] **second** year
 13 on the last day of the month of issuance.

14 (4) Notwithstanding subsection (1), (2) or (3) of this section, the Department of Human Services
 15 shall, at the request of the X-ray machine owner, adjust the registration expiration date of any X-ray
 16 machine to coincide with the registration expiration date of other X-ray machines registered to the
 17 machine owner. The department shall prorate the registration fee accordingly.

18 (5) If an X-ray machine or the physical surroundings or equipment associated with the operation
 19 of the X-ray machine does not comply with one or more standards adopted by rule of the department,
 20 the department may deny the registration or may grant a provisional registration permitting tem-
 21 porary operation pending compliance with department standards.

22 (6) The department may require that X-ray machines having a valid registration be repaired,
 23 calibrated or modified or the physical surroundings or equipment used in conjunction with the op-
 24 eration of the registered X-ray machine be changed to comply with new standards adopted by rule
 25 of the department provided that compliance prior to expiration of the registration is determined by
 26 the department to be necessary to protect occupational and public health and safety.

27 (7) The department may deny, condition, suspend or revoke an X-ray machine registration if the
 28 department reasonably believes that the X-ray machine or the physical surroundings or equipment
 29 used in conjunction with the operation of the X-ray machine presents a danger to the health or
 30 safety of the operator or the public.

31 (8) An X-ray machine registration shall terminate if the X-ray machine is relocated for use in
 32 a physical surrounding other than the physical surrounding [*it*] **the X-ray machine** occupied when
 33 inspected.

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