

CHAPTER 166

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 02-1232

BY REPRESENTATIVE(S) Witwer and Sanchez;
also SENATOR(S) Hanna.

AN ACT**CONCERNING AN INCREASE IN THE AMOUNTS OF FEES RELATING TO INSPECTION OF MACHINES THAT ARE SOURCES OF IONIZING RADIATION.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-11-104 (8) (a) (II) and (8) (a) (III), Colorado Revised Statutes, are amended to read:

25-11-104. Rules to be adopted - fees - fund created. (8) (a) The state board of health shall adopt rules requiring that all machine sources of ionizing radiation which are used for therapeutic or diagnostic use on humans be annually inspected if owned, leased, under contract, or operated on behalf of a facility licensed or certified by section 25-1-107 (1) (I) (I) and (1) (I) (II), or a licensed osteopathic physician, a medical physician, or a chiropractic doctor, and every three years for all other machines used for human treatment or diagnosis and certified by qualified inspectors as safe for the intended uses and in compliance with the specifications of the state board of health and the equipment manufacturer. Such rules shall include the following:

(II) The establishment of minimum standards for the qualification of individuals who are authorized to make inspections and to certify machines ~~which~~ THAT are sources of ionizing radiation. Other than those individuals performing emergency, compliance, and enforcement inspections or inspection audits for the department, qualified inspectors shall not be employees of the department. The maximum annual fee ~~which~~ THAT may be charged by the department to an individual seeking approval as a qualified inspector is ~~fifty~~ EIGHTY dollars. Such fee shall include the issuance of evidence of qualification, if applicable, and all other costs for qualifications. Such fees shall be credited to the radiation control fund.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(III) The establishment of procedures for the making of inspections for all types of machines that are sources of ionizing radiation. The procedures shall require that such machines be inspected only by a qualified inspector who shall record on a form provided by the department whether or not a machine being inspected meets the specifications of the manufacturer and the state board of health, and shall indicate the type of machine, the applicable specifications, and the machine specifications. If a machine meets the required specifications, a qualified inspector shall affix on the machine an official sticker issued by the department. If the machine fails to meet the required specifications, the qualified inspector shall notify the owner or operator immediately and shall so notify the department within three days. A machine that fails to meet the required specifications and is determined to be unsafe for human use shall not be used thereafter for human use until subsequent certification, and the qualified inspector shall affix an official noncertification sticker issued by the department indicating such machine is not authorized for human use. A certification or noncertification sticker shall be affixed on each machine in a location conspicuous to machine operators and persons on whom the machine is used. A fee of ~~thirty~~ FIFTY dollars shall be charged for each certification or noncertification sticker issued by the department; except that the state board of health by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the state board of health by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S. Such fee shall be credited to the radiation control fund.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 24, 2002