



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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FILED

DATE: January 23, 2024

TIME: 12:54 PM

WSR 24-03-137

Agency: Department of Health

Subject of possible rule making: X-rays in the healing arts, specifically concerning radiation therapy, fluoroscopic X-ray, and plan review shielding requirements. The Department of Health (department) is considering amending existing rules WAC 246-225-020 and 246-225-030 and creating new rules in chapter 246-225 WAC, X-Rays in the Healing Arts, to address technological advances in radiation therapy and fluoroscopic X-ray, establish machine performance and quality control standards, and to address plan review shielding requirements. Amendments to radiation therapy rules considered by the department will apply only to machine generated ionizing radiation, and not radiopharmaceuticals or radioactive materials.

Statutes authorizing the agency to adopt rules on this subject: RCW 70A.388.040

Reasons why rules on this subject may be needed and what they might accomplish: Radiation therapy is a high dose modality of radiation used in lifesaving efforts to treat cancer and in the treatment of other medical conditions. The intent of this rulemaking is not to restrict the amount of radiation an individual receives, but rather to establish rules to ensure individuals receive the prescribed dose in the correct location, and to ensure the safety of staff administering radiation by establishing machine performance and quality control standards.

With advancements in computer technology and X-ray tube potential, fluoroscopic X-ray machines have far outpaced the rules in effect today. Fluoroscopic X-ray machines are now capable of delivering substantially more radiation output than when rules for the use of it were first established in the mid-1990s. Fluoroscopic radiation is one of the highest amounts of radiation delivered to members of the public and is used to assist in many medical procedures. Amendments may be necessary to ensure public health and safety with the use of fluoroscopic X-ray.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: N/A

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The department will use a collaborative rulemaking approach.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Ashlie Laydon

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(If necessary)

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Additional comments: The department will keep interested parties informed of the rule development through email and by posting information on the department's rulemaking website. Interested parties will have the opportunity to provide comments throughout the rulemaking process, during the formal comment period, and at the public hearing. Interested parties may contact Ashlie Laydon or Richard Montemarano to be added to the interested parties list.

Date: January 23, 2024

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:

