

Readoption Review

Radiological Health Rules 410 IAC 5

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

Description of Rule:

This rule sets out the requirements for the safe use of ionizing radiation for purposes of medical diagnosis or treatment of human beings.

Readoption Analysis:

1) Is there a continued need for this rule?

Yes. The Indiana State Department of Health provides for the inspection of radiation producing machines, such as x-ray machines, and for the protection of patients and operators of radiation producing machines by prescribing their operation.

2) What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?

There have been comments received from the public regarding the fact that 410 IAC 5-6.1 does not address some of the latest technology such as PET/CAT scanning equipment. This will be addressed in a separate rulemaking to update the rule.

3) Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.

The rule contains some complex requirements for complex radiation machines. There have been no difficulties encountered in administering the rule or in small businesses complying with it.

4) To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?

The rule does not overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances.

5) When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?

The last time the rule was reviewed under this section or otherwise evaluated was seven (7) years ago when the rule was readopted. There have been some changes in technology since this rule was last reviewed. In fact, this readoption will keep rules in place while these rules (410 IAC 5-6.1) are amended through the regular rulemaking process.

July 25, 2019