



## Ohio Administrative Code

### Rule 3701:1-38-04 Radiation generating equipment inspection schedule and inspection fee.

Effective: July 5, 2009

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(A) Each handler shall afford the director, at all reasonable times, opportunity to inspect radiation-generating equipment and equipment shielding, surroundings, records and other equipment and devices used in connection with handling radiation-generating equipment. Each handler also shall perform, as requested by the director, such tests as the director determines may be necessary for the handler to demonstrate compliance with the requirements of Chapter 3748. of the Revised Code and rules adopted thereunder and to evaluate the extent of radiation hazards that may be present.

(B) The director shall routinely inspect radiation-generating equipment unless that equipment is registered as in storage and rendered inoperable. Routine inspections shall be conducted according to the schedule by facility category listed in appendix A to this rule.

(C) Notwithstanding the inspection frequencies specified in paragraph (B) of this rule, radiation-generating equipment capable of operating at or above two hundred fifty kilovoltage peak may be inspected every twelve months irrespective of facility category.

(D) The director may modify the inspection frequency of a registered facility based upon the performance of the facility.

(E) In addition to any inspections required under this rule, inspections of new or newly installed radiation-generating equipment may be performed within twelve months of installation of the equipment.

(F) Non-routine or special inspections of facilities may be conducted by the director upon receiving complaints or other evidence of violation of the requirements of Chapter 3748. of the Revised Code or rules adopted thereunder, or orders of the director issued pursuant thereto.

(G) Any handler of radiation-generating equipment that is a medical practitioner or a corporation, partnership, or other business entity consisting of medical practitioners, other than a hospital as



defined in section 3727.01 of the Revised Code, shall pay to the department of health an inspection fee according to the schedule and categories listed in appendix B to this rule. For purposes of this section "medical practitioner" means a person authorized to practice dentistry pursuant to Chapter 4715. of the Revised Code; medicine and surgery, osteopathic medicine and surgery, or podiatry pursuant to Chapter 4731. of the Revised Code; or chiropractic pursuant to Chapter 4734. of the Revised Code.

(H) Except as otherwise provided in paragraph (G) of this rule, all handlers of radiation-generating equipment shall pay an inspection fee according to the schedule listed in appendix C to this rule.

(I) In accordance with division (B) of section 3748.13 of the Revised Code, the fee for the inspection of a facility that does not possess or that has not applied for registration and for which registration is required, shall pay the amount required in division (B) of section 3748.13 of the Revised Code plus any required amount specified under paragraph (G) or (H) of this rule.

(J) In accordance with section 3748.13 of the Revised Code, the fee for any inspection to determine whether notice of violations cited in a previous inspection have been corrected is fifty per cent of the fee specified in paragraphs (G) and (H) of this rule. Inspections to determine compliance with a notice of violation issued pursuant to paragraph (A) of rule 3701:1-38-06 of the Administrative Code may include, but is not limited to, compliance reviews done off-site.