

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Labor and Economic Opportunity

Division/Bureau/Office:

MIOSHA

Name of person completing this form:

Daniela Pelachyk

Phone number of person completing this form:

517-284-7738

E-mail of person completing this form:

pelachykd@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Thomas Shaver

2. Rule Set Information

MOAHR assigned rule set number:

2023-8 LE

Title of proposed rule set:

Ionizing Radiation Rules Governing the Use of Radiation Machines

3. Purpose for the proposed rules and background:

The general purpose of these proposed rules is to amend the Ionizing Radiation Rules Governing the Use of Radiation standard to establish qualification requirements for individuals engaged in medical x-radiation technology. The proposed rules are intended to address the improper performance of medical x-radiation technology and ensure that individuals and patients are not exposed to unnecessary radiation.

4. Summary of proposed rules:

The general purpose of these proposed rules is to amend the Ionizing Radiation Rules Governing the Use of Radiation standard to establish qualification requirements for individuals engaged in medical x-radiation technology. The proposed rules are intended to address the improper performance of medical x-radiation technology and ensure that individuals and patients are not exposed to unnecessary radiation.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

The Mining Journal – July 31, 2023.

Lansing State Journal – July 31, 2023.

Oakland Press – July 31, 2023.

6. Date of publication of rules and notice of public hearing in Michigan Register:

8/1/2023

7. Date, time, and location of public hearing:

8/16/2023 10:00 AM at Michigan Library & Historical Center, 1st Floor Forum , 702 W. Kalamazoo, Lansing, MI 48915

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1435>

9. List of the name and title of agency representative(s) who attended the public hearing:

Bart Pickleman – MIOSHA Director.

Ron Ray – MIOSHA Technical Services Division Director.

Shannon Matsumoto – MIOSHA Standards and FOIA Section Manager.

Daniela Pelachyk – MIOSHA Standards and FOIA Section Analyst.

Toscha Klopp – MIOSHA Standards and FOIA Secretary.

10. Persons submitting comments of support:

Nina Sutherland – X-Ray Technologist.

Ralph Lieto – Michian Radiological Society.

Rex Miller – The Michigan Society of Radiographic Technologists.

Misty Flowers – X-Ray Technologist.

Liana Watson – The American Registry of Radiologic Technologists.

Jason J Bradley – American Society of Radiologic Technologists.

Melissa Snody, Dimitry Beyder, Nichole Ozinga, Tina Brennan – Society of Nuclear Medicine and Molecular Imaging/Michigan Technologist Advocacy Group.

Jennifer Richmond - Michigan Society of Radiologic Technologists

11. Persons submitting comments of opposition:

None.

12. Persons submitting other comments:

None.

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

Agency Report to JCAR-Page 3

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1	Melissa Snody, Society of Nuclear Medicine and Molecular Imaging	Ms Snody recommended language to be included in this rule that would define the requirements and standards of technologists administering nuclear materials for diagnostic and therapeutic procedures, specifically recommending registration and certification standards to be included as set forth under the American Registry of Radiologic Technologists. The language Melissa specifically recommended is the following language: "A nuclear medicine technologist who, under the supervision of an authorized user, utilizes sealed and unsealed radioactive materials for diagnostic, treatment, and research purposes."		MIOSHA agrees with this suggestion. We will be adding Rule 5209(2)(f) to read as follows, "A nuclear medicine technologist who, under the supervision of an authorized user, utilizes sealed and unsealed radioactive materials for diagnostic, treatment, and research purposes."	Rule 5209

Agency Report to JCAR-Page 4

2	Rex Miller, Michigan Society of Radiologic Technologists	Mr. Miller would like to replace the word "therapeutic" and insert the word "research," so the last clause reads, "... involving the application of x-radiation to human beings for diagnostic and research purposes."		The change "... involving the application of x-radiation to human beings for diagnostic, therapeutic, and research purposes" should be considered. MIOSHA agrees to add the word research to Rule 5206(1).	Rule 5204 (7), 5206(1)
3	Rex Miller, Michigan Society of Radiologic Technologists	Mr Miller suggests replacing the word "therapeutic" with "research"		The change "... involving the application of x-radiation to human beings for diagnostic, therapeutic, and research purposes" should be considered. MIOSHA agrees to add the word research to 5206 (2).	Rule 5204(8), 5206(2)
4	Rex Miller, Michigan Society of Radiologic Technologists	Mr Miller suggests replacing the word "therapeutic" with "research"		The change "... involving the application of x-radiation to human beings for diagnostic, therapeutic, and research purposes" should be considered. MIOSHA agrees to add the word research to 5206 (4).	Rule 5207(1), 5206(4)

Agency Report to JCAR-Page 5

5	Rex Miller, Michigan Society of Radiologic Technologists	Mr Miller recommends a minimum of 40 hours of clinical and didactic training to the radiologic science within the limited scope of practice.		Adding a clinical requirement to the 40 hours training should be adopted. The sentence "This training must include both clinical and didactic components." to rule 5212(1). MIOSHA will add the language to rule 5212 (1).	Rule 5212(1)
6	Ralph P Lieto, Michigan Radiological Society	Mr. Lieto recommends using the term "ionizing radiation" to replace "x-radiation"		The term "machine produced ionizing radiation" should be adopted to be consistent with the other parts of the "Ionizing Radiation Rules Governing the use of Radiation Machines" and industry standards. MIOSHA agrees to adopt the term "machine produced ionizing radiation."	Rule 5201, 5203, 5204, 5206, 5209

Agency Report to JCAR-Page 6

7	Ralph P Lieto, Michigan Radiological Society	Mr Lieto states that this rule needs clarification in the description of the three categories of conditional status after the three years following effective date of the final rules. As written, it appears that an individual who has not met active status can obtain conditional status every 3 years with a simple "statement of assurance". This should be clarified to assure it is NOT a means to circumvent requiring completion of active status criteria.		MIOSHA recognizes this is an error and must be corrected. MIOSHA will be making the suggested correction.	Rule 5210(2)
8	Ralph P Lieto, Michigan Radiological Society	Mr. Lieto states he would like to add the category of "nuclear medicine technology" with the appropriate credentials from the (i) American Registry of Radiologic Technologists and the (ii) Nuclear Medicine Technology Certification Board, (NMTCB)		Radioactive materials including nuclear medicine are outside the scope of these rules.	Rule 5211

Agency Report to JCAR-Page 7

9	Ralph P Lieto, Michigan Radiological Society	Mr. Lieto addresses limited scope operator requirements. Michigan Radiological Society is pleased that minimum training requirements are being established for this category. However, 40 hours, or one week, of unspecified training is inadequate to work independently. As proposed, the training also does not require actual patients be imaged. The Michigan Radiological Society supports the limited scope training recommendations of the American Society of Radiologic Technologists which specifies classroom hours plus a minimum number of patient studies. This will provide prudent assurance of adequate clinical training for this category.		Adding a clinical requirement to the 40 hours training should be adopted. The sentence "This training must include both clinical and didactic components." to rule 5212(1). MIOSHA will add the language to rule 5212 (1).	Rule 5212

Agency Report to JCAR-Page 8

10	Liana Watson, American Registry Radiologic Technologists		All suggest changing references from "medical x-radiation technology" to "medical radiologic technology" and references from "medical x-radiation technologist" to "medical radiologic technologist," doing so aligns with that of professional societies and national credentialing organizations.	MIOSHA states changing references from "medical x-radiation technology" to "medical radiologic technology" and references from "medical x-radiation technologist" to "medical radiologic technologist." should be adopted to be consistent with industry standards. MIOSHA is adopting the suggested language.	Rule 5201, 5204, 5206, 5209, 5210, 5211, 5213
----	--	--	---	--	---

14.Date report completed:

11/28/2023