

SENATE BILL No. 231

February 22, 2005, Introduced by Senators GARCIA, HAMMERSTROM and BARCIA and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 13501, 13505, 13506, 13515, 13517, 13521,
13522, 13525, 13535, and 13536 (MCL 333.13501, 333.13505,
333.13506, 333.13515, 333.13517, 333.13521, 333.13522, 333.13525,
333.13535, and 333.13536), sections 13501, and 13522 as amended by
1994 PA 100 and section 13521 as amended by 1989 PA 56, and by
adding part 135A; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13501. (1) As used in this part:

2 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL

1 **QUALITY.**

2 (B) ~~—(a)—~~ "General license" means a license, effective
3 pursuant to rules promulgated by the department without the filing
4 of an application, to transfer, acquire, own, possess, or use
5 quantities of, or devices or equipment utilizing, radioactive
6 material.

7 (C) ~~—(b)—~~ "Ionizing radiation" means gamma rays and x-rays,
8 alpha particles, beta particles, high speed electrons, neutrons,
9 protons, high speed ions, and other high speed nuclear particles.

10 ~~—(c) "Mammography" means radiography of the breast for the~~
11 ~~purpose of enabling a physician to determine the presence, size,~~
12 ~~location, and extent of cancerous or potentially cancerous tissue~~
13 ~~in the breast.~~

14 ~~—(d) "Mammography authorization" means authorization under~~
15 ~~section 13523 to use a radiation machine for mammography.~~

16 ~~—(e) "Mammography interpreter" means an individual who meets~~
17 ~~the requirements set forth in section 13523(2)(g) and is~~
18 ~~responsible for evaluating and interpreting mammographic images.~~

19 (D) ~~—(f)—~~ "Person" means a person as defined in section 1106
20 or a governmental entity.

21 (E) ~~—(g)—~~ "Radioactive material" means a solid, liquid, or gas
22 material ~~which~~ **THAT** emits ionizing radiation spontaneously.

23 (F) ~~—(h)—~~ "Radiography" means the making of a film or other
24 record of an internal structure of the body by passing x-rays or
25 gamma rays through the body to act on film or other image receptor.

26 (G) ~~—(i)—~~ "Registration" means registration of a source of
27 ionizing radiation in writing with the department.

1 (H) ~~—(j)—~~ "Source of ionizing radiation" means a device or
2 material that emits ionizing radiation.

3 (I) ~~—(k)—~~ "Specific license" means a license issued **BY THE**
4 **DEPARTMENT** to use, manufacture, produce, transfer, receive,
5 acquire, own, or possess quantities of, or devices or equipment
6 utilizing, radioactive material.

7 (2) In addition, article 1 contains general definitions and
8 principles of construction applicable to all articles in this code.

9 Sec. 13505. A person shall not manufacture, produce,
10 transport, transfer, dispose of, acquire, own, possess, or use a
11 radioactive material or other source of ionizing radiation unless
12 **THE PERSON IS** licensed ~~—, registered,—~~ or exempted **UNDER THIS PART**
13 **OR IS LICENSED OR EXEMPTED** by the department in accordance with
14 rules promulgated ~~—pursuant to—~~ **BY THE DEPARTMENT UNDER** this part.
15 ~~or unless exempted by this part.~~

16 Sec. 13506. Sections 13505 and 13515 to 13536 do not apply to
17 the following sources or conditions, except as noted:

18 ~~—— (a) Electrical or other equipment or material not intended~~
19 ~~primarily to produce radiation which, by nature of design, does not~~
20 ~~produce radiation at the point of nearest approach at a weekly rate~~
21 ~~higher than 1/10 the appropriate limit generally accepted by the~~
22 ~~medical profession for any critical organ exposed. The production~~
23 ~~testing or production servicing of the equipment is not exempt.~~

24 ~~—— (b) A radiation machine during process of manufacture or in~~
25 ~~storage or transit. The production testing or production servicing~~
26 ~~of the machine is not exempt.~~

27 (A) ~~—(e)—~~ A radioactive material while being transported under

1 the jurisdiction of and in conformity with regulations adopted by
2 the nuclear regulatory commission or the United States department
3 of transportation, or their successors, specifically applicable to
4 the transportation of ~~such~~ **THE** radioactive material.

5 (B) ~~(d)~~ Sound waves, radio waves, and visible, infrared, or
6 ultraviolet light.

7 (C) ~~(e)~~ A production or utilization facility, as defined in
8 the ~~federal~~ atomic energy act of 1954, 42 ~~U.S.C.~~ **USC** 2011 to
9 ~~2281~~ **2297G-4**, or a source of ionizing radiation used in or in
10 connection with the operation of a production or utilization
11 facility pursuant to a license from the federal nuclear regulatory
12 commission or **ITS** successor ~~thereto~~ **AGENCY**. However, the
13 department may collect radiation data and perform environmental
14 monitoring in connection with the operation of the facility in
15 accordance with this part.

16 (D) ~~(f)~~ A source material, by-product material, or special
17 nuclear material over which the federal nuclear regulatory
18 commission or ~~a~~ **ITS** successor ~~thereto~~ **AGENCY** has exclusive
19 regulatory jurisdiction under the ~~federal~~ atomic energy act of
20 1954, 42 **USC 2011 TO 2297G-4**, which jurisdiction has not been
21 transferred to this state pursuant to an agreement under ~~Act No.~~
22 ~~54 of the Public Acts of 1965, being sections 3.801 and 3.802 of~~
23 ~~the Michigan Compiled Laws~~ **1965 PA 54, MCL 3.801 TO 3.802.**

24 Sec. 13515. (1) The department is designated as the radiation
25 control agency of this state and shall coordinate radiation control
26 programs of state departments acting within their statutory
27 authorities.

1 (2) Pursuant to rules promulgated under this part, the
2 department shall require licensing ~~and registration~~ of
3 radioactive materials and other sources of ionizing radiation.

4 (3) The department shall develop and conduct programs for
5 evaluation and control of hazards associated with the use of
6 radioactive materials and other sources of ionizing radiation.

7 Sec. 13517. (1) The department may enter at all reasonable
8 times upon private or public property upon which sources of
9 ionizing radiation are reasonably believed to be located, with the
10 permission of the owner or custodian ~~thereof~~ **OF THE PROPERTY**, to
11 determine if there is compliance with or violation of this part or
12 a rule **PROMULGATED UNDER THIS PART** or **COMPLIANCE WITH OR A**
13 **VIOLATION OF A** license **ISSUED UNDER THIS PART**.

14 (2) If the department has reasonable **CAUSE** or probable cause
15 to believe that a violation of this part or a rule **PROMULGATED**
16 **UNDER THIS PART** or **A VIOLATION OF A** license **ISSUED UNDER THIS PART**
17 is being committed on private or public property or that there
18 exists on the property evidence of a violation, and permission to
19 enter ~~thereon~~ **ON THE PROPERTY** is denied by the owner or custodian
20 ~~thereof~~ **OF THE PROPERTY**, the department may apply to the proper
21 judicial officer under ~~Act No. 189 of the Public Acts of 1966,~~
22 ~~being sections 780.651 to 780.659 of the Michigan Compiled Laws~~
23 **1966 PA 189, MCL 780.651 TO 780.659**, for a warrant commanding the
24 sheriff or a law enforcement officer, with the aid of the
25 department, to search the property and seize any source of ionizing
26 radiation that is possessed, controlled, or used wholly or
27 partially in violation of this part or a rule **PROMULGATED UNDER**

1 **THIS PART** or **IN VIOLATION OF A** license **ISSUED UNDER THIS PART**, or
2 any evidence of a violation of this part or a rule or license.

3 Sec. 13521. (1) The department shall promulgate rules
4 providing for general or specific licenses ~~or registration,~~ or
5 exemption from licensing ~~or registration,~~ for radioactive
6 materials and other sources of ionizing radiation. The rules shall
7 provide for amendment, suspension, or revocation of licenses. In
8 ~~connection with these~~ **PROMULGATING** rules **UNDER THIS SUBSECTION**,
9 the department may ~~promulgate rules to~~ establish requirements for
10 record keeping, permissible levels of exposure, notification and
11 reports of accidents, protective measures, technical qualifications
12 of personnel, handling, transportation, storage, waste disposal,
13 posting and labeling of hazardous sources and areas, surveys, and
14 monitoring.

15 (2) The rules **PROMULGATED UNDER SUBSECTION (1)** shall not limit
16 the intentional exposure of patients to radiation for the purpose
17 of lawful therapy or research conducted by licensed health
18 professionals.

19 ~~— (3) The department shall promulgate rules specifying the~~
20 ~~minimum training and performance standards for an individual using~~
21 ~~a radiation machine for mammography as set forth in section 13523.~~

22 Sec. 13522. (1) In promulgating rules pursuant to this part,
23 the department shall avoid requiring dual licensing, insofar as
24 practical. Rules promulgated by the department may provide for
25 recognition of other state or federal licenses as the department
26 considers desirable. ~~—, subject to registration requirements~~
27 ~~prescribed by the department.~~ A person who, on the effective date

1 of an agreement under ~~Act No. 54 of the Public Acts of 1965, being~~
2 ~~sections 3.801 to 3.802 of the Michigan Compiled Laws 1965 PA 54,~~
3 **MCL 3.801 TO 3.802**, possesses a license issued by the federal
4 government for a source of ionizing radiation of the type for which
5 the state assumes regulatory responsibility under the agreement, is
6 considered to possess an identical license issued pursuant to this
7 part, which license expires either 90 days after receipt of a
8 written notice of termination from the department or on the date of
9 expiration stated in the federal license, whichever occurs first.

10 (2) The department may promulgate rules to establish a
11 schedule of fees to be paid by applicants for licenses for
12 radioactive materials and devices and equipment utilizing the
13 radioactive materials.

14 (3) Except as otherwise provided in this subsection, the
15 department may promulgate rules to establish a schedule of fees to
16 be paid by an applicant for a license for other sources of ionizing
17 radiation and the renewal of the license. ~~—, and by a person~~
18 ~~possessing sources of ionizing radiation that are subject to~~
19 ~~registration. The registration or registration renewal fee for a~~
20 ~~radiation machine registered under this part is \$45.00 for the~~
21 ~~first veterinary or dental x-ray or electron tube and \$25.00 for~~
22 ~~each additional veterinary or dental x-ray or electron tube~~
23 ~~annually, or \$75.00 annually per nonveterinary or nondental x-ray~~
24 ~~or electron tube. The department shall not assess a fee for the~~
25 ~~amendment of a radiation machine registration certificate. In~~
26 ~~addition, the department shall assess a fee of \$100.00 for each~~
27 ~~follow-up inspection due to noncompliance during the same year.~~

1 The department may accept a written certification from the licensee
 2 ~~or registrant~~ that the items of noncompliance have been corrected
 3 instead of performing a follow-up inspection. If the department
 4 does not inspect a source of ionizing radiation for a period of 5
 5 consecutive years, the licensee ~~or registrant~~ of the source of
 6 ionizing radiation does not have to pay further license ~~or~~
 7 ~~registration~~ fees as to that source of ionizing radiation until
 8 the first license ~~or registration~~ renewal date following the time
 9 an inspection of the source of ionizing radiation is made.

10 (4) A fee collected under this part shall be deposited in the
 11 state treasury and credited to the general fund of this state.

12 ~~—— (5) Except as otherwise provided in subsection (6), the~~
 13 ~~department shall assess the following nonrefundable fees in~~
 14 ~~connection with mammography authorization:~~

15 ~~—— (a) Inspection, per radiation machine \$ 100.00~~

16 ~~—— (b) Reinspection for reinstatement of mammography~~
 17 ~~authorization, per radiation machine \$ 100.00~~

18 ~~—— (c) Department evaluation of compliance with section~~
 19 ~~13523(2)(a), per radiation machine \$ 700.00~~

20 ~~—— Each reevaluation of a radiation machine due to failure~~
 21 ~~during the previous evaluation, relocation of the radiation~~
 22 ~~machine, or similar changes that could affect earlier evaluation~~
 23 ~~results \$ 300.00.~~

24 ~~—— (6) If an applicant for mammography authorization submits an~~
 25 ~~evaluation report issued by the American college of radiology that~~
 26 ~~evidences compliance with section 13523(2)(a), the department shall~~
 27 ~~waive the fee under subsection (5) for department evaluation of~~

1 ~~compliance with that provision.~~

2 (5) ~~—(7)—~~ Except as otherwise provided in ~~—subsections~~
3 **SUBSECTION** (3), ~~—and (6)—~~ the department shall not waive a fee
4 required under this section.

5 (6) ~~—(8)—~~ The department shall adjust on an annual basis the
6 fees prescribed by ~~—subsections—~~ **SUBSECTION** (3) ~~—and (5)—~~ by an
7 amount determined by the state treasurer to reflect the cumulative
8 annual percentage change in the Detroit consumer price index, not
9 to exceed 5%. As used in this subsection, "Detroit consumer price
10 index" means the most comprehensive index of consumer prices
11 available for the Detroit area from the bureau of labor statistics
12 of the United States department of labor.

13 Sec. 13525. A municipality or a department, agency, or
14 official of a municipality ~~may~~ **SHALL** not license ~~—~~ **OR** regulate
15 ~~—or require the registration of—~~ a radioactive material or other
16 source of ionizing radiation.

17 Sec. 13535. A person who violates this part or a rule
18 promulgated under this part or who fails to obtain or comply with
19 conditions of licensure ~~—or registration—~~ under this part is guilty
20 of a misdemeanor, punishable by imprisonment for not more than 180
21 days, or a fine of not more than \$10,000.00, or both. A court may
22 fine a person not more than \$2,000.00 for each violation of this
23 part. Each day a violation continues ~~—shall be—~~ **IS** a separate
24 violation.

25 Sec. 13536. If, after thorough investigation by the
26 department, it is the judgment of the department that a person has
27 engaged in or is about to engage in an act or practice ~~—which—~~ **THAT**

1 constitutes a violation of this part or **OF** a rule or order
2 **PROMULGATED OR ISSUED UNDER THIS PART**, the attorney general, at the
3 request of the department, shall ~~make application~~ **APPLY** to the
4 appropriate circuit court for an order enjoining the act or
5 practice or for an order directing compliance with this part or a
6 rule or order **PROMULGATED OR** issued ~~pursuant to~~ **UNDER** this part.

7 **PART 135A. RADIATION MACHINE CONTROL**

8 **SEC. 13551. (1) AS USED IN THIS PART:**

9 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMUNITY HEALTH.

10 (B) "IONIZING RADIATION" MEANS GAMMA RAYS AND X-RAYS, ALPHA
11 PARTICLES, BETA PARTICLES, HIGH SPEED ELECTRONS, NEUTRONS, PROTONS,
12 HIGH SPEED IONS, AND OTHER HIGH SPEED NUCLEAR PARTICLES.

13 (C) "MAMMOGRAPHY" MEANS RADIOGRAPHY OF THE BREAST FOR THE
14 PURPOSE OF ENABLING A PHYSICIAN TO DETERMINE THE PRESENCE, SIZE,
15 LOCATION, AND EXTENT OF CANCEROUS OR POTENTIALLY CANCEROUS TISSUE
16 IN THE BREAST.

17 (D) "MAMMOGRAPHY AUTHORIZATION" MEANS AUTHORIZATION UNDER
18 SECTION 13573 TO USE A RADIATION MACHINE FOR MAMMOGRAPHY.

19 (E) "MAMMOGRAPHY INTERPRETING PHYSICIAN" MEANS AN ALLOPATHIC
20 PHYSICIAN OR AN OSTEOPATHIC PHYSICIAN LICENSED UNDER ARTICLE 15 WHO
21 IS RESPONSIBLE FOR EVALUATING AND INTERPRETING MAMMOGRAPHIC IMAGES
22 AND WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

23 (i) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH, IS
24 CERTIFIED IN RADIOLOGY OR DIAGNOSTIC RADIOLOGY BY THE AMERICAN
25 BOARD OF RADIOLOGY OR THE AMERICAN OSTEOPATHIC BOARD OF RADIOLOGY,
26 HAS BEEN ELIGIBLE FOR CERTIFICATION IN RADIOLOGY OR DIAGNOSTIC
27 RADIOLOGY FOR NOT MORE THAN 3 YEARS, OR IS CERTIFIED OR DETERMINED

1 TO BE QUALIFIED IN RADIOLOGY OR DIAGNOSTIC RADIOLOGY BY ANOTHER
2 PROFESSIONAL ORGANIZATION APPROVED BY THE DEPARTMENT.

3 (ii) SHALL HAVE SUCCESSFULLY COMPLETED NOT LESS THAN 3 MONTHS
4 OF FORMAL TRAINING IN READING MAMMOGRAMS WITH INSTRUCTION IN
5 MEDICAL RADIATION PHYSICS, RADIATION EFFECTS, AND RADIATION
6 PROTECTION AND HAS DOCUMENTATION OF SUCCESSFUL COMPLETION OF THE
7 TRAINING THAT IS SATISFACTORY TO THE DEPARTMENT. FOR PURPOSES OF
8 THIS SUBPARAGRAPH, THE DEPARTMENT MAY ACCEPT TIME SPENT IN A
9 RESIDENCY PROGRAM THAT INCLUDES SPECIFIC TRAINING IN MAMMOGRAPHY IF
10 THE INDIVIDUAL HAS DOCUMENTATION OF THE RESIDENCY PROGRAM THAT IS
11 SATISFACTORY TO THE DEPARTMENT.

12 (iii) SHALL HAVE INITIAL TRAINING THAT INCLUDES DOCUMENTED
13 INTERPRETATION OF NOT LESS THAN 240 MAMMOGRAPHIC EXAMINATIONS IN
14 THE 6 MONTHS IMMEDIATELY PRECEDING THE PERFORMANCE OF INDEPENDENT
15 INTERPRETATION.

16 (iv) SHALL HAVE INTERPRETED OR MULTI-READ NOT LESS THAN 960
17 MAMMOGRAPHIC EXAMINATIONS DURING THE 24 MONTHS IMMEDIATELY
18 PRECEDING THE DATE OF THE MAMMOGRAPHY FACILITY'S ANNUAL INSPECTION
19 OR THE LAST DAY OF THE CALENDAR QUARTER PRECEDING THAT INSPECTION,
20 OR ANY DAY IN BETWEEN THOSE 2 DAYS. THE MAMMOGRAPHY FACILITY SHALL
21 CHOOSE 1 OF THE 3 DATES TO DETERMINE THE 24-MONTH PERIOD OF THIS
22 SUBPARAGRAPH.

23 (v) SHALL SUCCESSFULLY COMPLETE OR TEACH NOT LESS THAN 15
24 HOURS OF CONTINUING MEDICAL EDUCATION EVERY 3 YEARS AFTER THE
25 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS PART IN THE
26 TECHNICAL ASPECTS OR CLINICAL ASPECTS, OR BOTH, OF MAMMOGRAPHY IN
27 COURSES OR PROGRAMS APPROVED BY THE INDIVIDUAL'S RESPECTIVE

1 SPECIALTY ORGANIZATION AND LICENSING BOARD AND HAS DOCUMENTATION OF
2 SUCCESSFUL COMPLETION OR TEACHING THAT IS SATISFACTORY TO THE
3 DEPARTMENT.

4 (vi) MAINTAINS ANNUAL RECORDS CONCERNING OUTCOME DATA FOR
5 CORRELATION OF POSITIVE MAMMOGRAMS TO BIOPSIES DONE, AND THE NUMBER
6 OF CANCERS DETECTED.

7 (F) "MAMMOGRAPHY SYSTEM" MEANS THE RADIATION MACHINE USED FOR
8 MAMMOGRAPHY; AUTOMATIC EXPOSURE CONTROL DEVICES; IMAGING SYSTEMS;
9 IMAGE PROCESSOR; DARKROOM; AND VIEWBOXES.

10 (G) "NON-IONIZING RADIATION" MEANS SOUND WAVES, RADAR WAVES,
11 MICROWAVES, RADIO FREQUENCY FIELDS, MAGNETIC FIELDS, AND VISIBLE,
12 INFRARED, OR ULTRAVIOLET LIGHT.

13 (H) "NON-IONIZING RADIATION DEVICE" MEANS A MACHINE OR DEVICE
14 THAT PRODUCES NON-IONIZING RADIATION IN INTENSITIES OR FREQUENCIES
15 SUBJECT TO REGULATION BY DEPARTMENT RULE.

16 (I) "PERSON" MEANS A PERSON AS DEFINED IN SECTION 1106 OR A
17 GOVERNMENTAL ENTITY.

18 (J) "RADIATION MACHINE" MEANS A MACHINE OR DEVICE THAT
19 PRODUCES IONIZING RADIATION IN ENERGIES OR INTENSITIES SUBJECT TO
20 REGULATION BY DEPARTMENT RULE.

21 (K) "RADIOGRAPHY" MEANS THE MAKING OF A FILM OR OTHER RECORD
22 OF AN INTERNAL STRUCTURE OF THE BODY BY PASSING X-RAYS THROUGH THE
23 BODY TO ACT ON FILM OR OTHER IMAGE RECEPTOR.

24 (l) "REGISTRATION" MEANS REGISTRATION OF A RADIATION MACHINE IN
25 WRITING WITH THE DEPARTMENT.

26 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND
27 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS CODE.

1 SEC. 13555. A PERSON SHALL NOT MANUFACTURE, PRODUCE,
2 TRANSPORT, TRANSFER, DISPOSE OF, ACQUIRE, OWN, POSSESS, OR USE A
3 RADIATION MACHINE UNLESS THE RADIATION MACHINE IS REGISTERED OR
4 EXEMPTED BY THIS PART OR BY THE DEPARTMENT IN ACCORDANCE WITH RULES
5 PROMULGATED BY THE DEPARTMENT UNDER THIS PART.

6 SEC. 13556. SECTIONS 13555 AND 13565 TO 13586 DO NOT APPLY TO
7 THE FOLLOWING SOURCES OR CONDITIONS, EXCEPT AS NOTED:

8 (A) ELECTRICAL OR OTHER EQUIPMENT OR MATERIAL NOT INTENDED
9 PRIMARILY TO PRODUCE RADIATION WHICH, BY NATURE OF DESIGN, DOES NOT
10 PRODUCE RADIATION AT THE POINT OF NEAREST APPROACH AT A WEEKLY RATE
11 HIGHER THAN 1/10 THE APPROPRIATE LIMIT GENERALLY ACCEPTED BY THE
12 MEDICAL PROFESSION FOR ANY CRITICAL ORGAN EXPOSED. THE PRODUCTION
13 TESTING OR PRODUCTION SERVICING OF THE EQUIPMENT IS NOT EXEMPT.

14 (B) A RADIATION MACHINE DURING PROCESS OF MANUFACTURE OR IN
15 STORAGE OR TRANSIT. THE PRODUCTION TESTING OR PRODUCTION SERVICING
16 OF THE RADIATION MACHINE IS NOT EXEMPT.

17 (C) NON-IONIZING RADIATION SOURCES OR DEVICES, UNLESS
18 SPECIFICALLY ADDRESSED BY RULE PROMULGATED BY THE DEPARTMENT UNDER
19 THIS PART.

20 SEC. 13561. (1) THE GOVERNOR MAY ENTER INTO AGREEMENTS WITH
21 THE FEDERAL GOVERNMENT, OTHER STATES, OR INTERSTATE AGENCIES,
22 WHEREBY THE DEPARTMENT SHALL PERFORM FOR OR ON A COOPERATIVE BASIS
23 WITH THE FEDERAL GOVERNMENT, OTHER STATES, OR INTERSTATE AGENCIES
24 INSPECTIONS OR OTHER FUNCTIONS RELATING TO CONTROL OF RADIATION
25 MACHINES.

26 (2) AN AGREEMENT ENTERED INTO UNDER SUBSECTION (1) DOES NOT
27 TRANSFER, DELEGATE, OR IMPOSE UPON THE DEPARTMENT ANY POWER,

1 AUTHORITY, OR RESPONSIBILITY THAT IS NOT FULLY CONSISTENT WITH THIS
2 PART.

3 SEC. 13565. (1) THE DEPARTMENT IS DESIGNATED AS THE RADIATION
4 MACHINE CONTROL AGENCY OF THIS STATE.

5 (2) PURSUANT TO RULES PROMULGATED UNDER THIS PART, THE
6 DEPARTMENT SHALL REQUIRE REGISTRATION OF RADIATION MACHINES.

7 (3) THE DEPARTMENT SHALL DEVELOP AND CONDUCT PROGRAMS FOR
8 EVALUATION AND CONTROL OF HAZARDS ASSOCIATED WITH THE USE OF
9 RADIATION MACHINES.

10 (4) THE DEPARTMENT MAY DEVELOP AND CONDUCT PROGRAMS FOR
11 EVALUATION AND CONTROL OF HAZARDS ASSOCIATED WITH THE USE OF NON-
12 IONIZING RADIATION DEVICES.

13 SEC. 13566. IF THE DEPARTMENT FINDS THAT AN EMERGENCY EXISTS
14 REQUIRING IMMEDIATE ACTION TO PROTECT OCCUPATIONAL OR PUBLIC HEALTH
15 AND SAFETY, THE DEPARTMENT SHALL ISSUE AN ORDER, WITH OR WITHOUT
16 NOTICE OR HEARING, RECITING THE EXISTENCE OF THE EMERGENCY AND
17 PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY.
18 NOTWITHSTANDING THIS ACT OR THE ADMINISTRATIVE PROCEDURES ACT OF
19 1969, THE ORDER IS EFFECTIVE IMMEDIATELY. A PERSON TO WHOM THE
20 ORDER IS DIRECTED SHALL COMPLY WITH THE ORDER IMMEDIATELY. HOWEVER,
21 UPON REQUEST, THE DEPARTMENT SHALL GRANT THE PERSON A HEARING ON
22 THE ORDER OR ON AN ISSUE CONCERNING THE ORDER WITHIN 15 DAYS AFTER
23 RECEIPT OF THE REQUEST. ON THE BASIS OF THE FINDINGS OF FACT AND
24 CONCLUSIONS OF LAW MADE AT THE HEARING, THE DEPARTMENT SHALL
25 CONTINUE, MODIFY, OR REVOKE THE ORDER WITHIN 30 DAYS AFTER THE
26 HEARING.

27 SEC. 13567. (1) THE DEPARTMENT MAY ENTER AT ALL REASONABLE

1 TIMES UPON PRIVATE OR PUBLIC PROPERTY UPON WHICH RADIATION MACHINES
2 ARE REASONABLY BELIEVED TO BE LOCATED, WITH THE PERMISSION OF THE
3 OWNER OR CUSTODIAN OF THE PROPERTY, TO DETERMINE IF THE RADIATION
4 MACHINE IS IN COMPLIANCE WITH THIS PART AND THE RULES PROMULGATED
5 UNDER THIS PART.

6 (2) IF THE DEPARTMENT HAS PROBABLE CAUSE TO BELIEVE THAT A
7 VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER THIS PART IS
8 BEING COMMITTED ON PRIVATE OR PUBLIC PROPERTY OR THAT THERE EXISTS
9 ON THE PROPERTY EVIDENCE OF SUCH A VIOLATION, AND PERMISSION TO
10 ENTER ON THE PROPERTY IS DENIED BY THE OWNER OR CUSTODIAN OF THE
11 PROPERTY, THE DEPARTMENT MAY MAKE AN AFFIDAVIT FOR A SEARCH WARRANT
12 UNDER 1966 PA 189, MCL 780.651 TO 780.659. THE SEARCH WARRANT
13 ISSUED TO THE DEPARTMENT UNDER 1966 PA 189, MCL 780.651 TO 780.659,
14 WILL COMMAND THE SHERIFF OR A LAW ENFORCEMENT OFFICER, WITH THE AID
15 OF THE DEPARTMENT, TO SEARCH THE PROPERTY AND SEIZE THE RADIATION
16 MACHINE THAT IS POSSESSED, CONTROLLED, OR USED WHOLLY OR PARTIALLY
17 IN VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER THIS PART, OR
18 EVIDENCE OF A VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER
19 THIS PART.

20 SEC. 13571. (1) THE DEPARTMENT SHALL PROMULGATE RULES
21 PROVIDING FOR THE REGISTRATION OF RADIATION MACHINES. THE
22 DEPARTMENT MAY PROMULGATE RULES FOR THE REGISTRATION OF NON-
23 IONIZING RADIATION DEVICES. IN PROMULGATING RULES UNDER THIS
24 SUBSECTION, THE DEPARTMENT MAY ESTABLISH REQUIREMENTS FOR EXEMPTION
25 FROM REGISTRATION, RECORD KEEPING, PERMISSIBLE LEVELS OF EXPOSURE,
26 NOTIFICATION AND REPORTS OF ACCIDENTS, PROTECTIVE MEASURES,
27 TECHNICAL QUALIFICATIONS OF PERSONNEL, HANDLING, POSTING AND

1 LABELING OF HAZARDOUS MACHINES, DEVICES, AND AREAS, SURVEYS, AND
2 MONITORING.

3 (2) IN PROMULGATING RULES UNDER SUBSECTION (1), THE DEPARTMENT
4 SHALL NOT LIMIT THE INTENTIONAL EXPOSURE OF A PATIENT TO RADIATION
5 FOR THE PURPOSE OF LAWFUL THERAPY OR RESEARCH CONDUCTED BY A
6 LICENSED HEALTH PROFESSIONAL.

7 (3) THE DEPARTMENT SHALL PROMULGATE RULES SPECIFYING THE
8 MINIMUM TRAINING AND PERFORMANCE STANDARDS FOR AN INDIVIDUAL USING
9 A RADIATION MACHINE FOR MAMMOGRAPHY AS SET FORTH IN SECTION 13573.

10 (4) THE DEPARTMENT SHALL PROMULGATE RULES SPECIFYING THE
11 MINIMUM TRAINING AND PERFORMANCE STANDARDS FOR AN INDIVIDUAL USING
12 A RADIATION MACHINE FOR HUMAN SCREENING OR FOR DIAGNOSTIC OR
13 THERAPEUTIC PURPOSES.

14 SEC. 13572. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS
15 SUBSECTION, THE DEPARTMENT MAY PROMULGATE RULES TO ESTABLISH A
16 SCHEDULE OF FEES TO BE PAID BY AN APPLICANT FOR THE REGISTRATION OF
17 A RADIATION MACHINE OR A NON-IONIZING RADIATION DEVICE. THE
18 REGISTRATION OR REGISTRATION RENEWAL FEE FOR A RADIATION MACHINE
19 REGISTERED UNDER THIS PART IS \$45.00 FOR THE FIRST VETERINARY OR
20 DENTAL X-RAY OR ELECTRON TUBE AND \$25.00 FOR EACH ADDITIONAL
21 VETERINARY OR DENTAL X-RAY OR ELECTRON TUBE ANNUALLY, OR \$75.00
22 ANNUALLY PER NONVETERINARY OR NONDENTAL X-RAY OR ELECTRON TUBE. THE
23 DEPARTMENT SHALL NOT ASSESS A FEE FOR THE AMENDMENT OF A RADIATION
24 MACHINE REGISTRATION CERTIFICATE. IN ADDITION, THE DEPARTMENT SHALL
25 ASSESS A FEE OF \$100.00 FOR EACH FOLLOW-UP INSPECTION DUE TO
26 NONCOMPLIANCE DURING THE SAME YEAR. THE DEPARTMENT MAY ACCEPT A
27 WRITTEN CERTIFICATION FROM THE REGISTRANT THAT THE ITEMS OF

1 NONCOMPLIANCE HAVE BEEN CORRECTED INSTEAD OF PERFORMING A FOLLOW-UP
 2 INSPECTION. IF THE DEPARTMENT DOES NOT INSPECT A RADIATION MACHINE
 3 OR NON-IONIZING RADIATION DEVICE FOR A PERIOD OF 5 CONSECUTIVE
 4 YEARS, THE REGISTRANT OF THE RADIATION MACHINE OR NON-IONIZING
 5 RADIATION DEVICE DOES NOT HAVE TO PAY FURTHER REGISTRATION FEES AS
 6 TO THAT RADIATION MACHINE OR NON-IONIZING RADIATION DEVICE UNTIL
 7 THE FIRST REGISTRATION RENEWAL DATE FOLLOWING THE TIME AN
 8 INSPECTION OF THE RADIATION MACHINE OR NON-IONIZING RADIATION
 9 DEVICE IS MADE.

10 (2) A FEE COLLECTED UNDER THIS PART SHALL BE DEPOSITED IN THE
 11 STATE TREASURY AND CREDITED TO THE GENERAL FUND OF THIS STATE.

12 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), THE
 13 DEPARTMENT SHALL ASSESS THE FOLLOWING NONREFUNDABLE FEES IN
 14 CONNECTION WITH MAMMOGRAPHY AUTHORIZATION:

15 (A) INSPECTION, PER RADIATION MACHINE \$ 100.00

16 (B) REINSPECTION FOR REINSTATEMENT OF MAMMOGRAPHY

17 AUTHORIZATION, PER RADIATION MACHINE \$ 100.00

18 (C) DEPARTMENT EVALUATION OF COMPLIANCE WITH SECTION

19 13573(2)(A), PER RADIATION MACHINE \$ 700.00

20 (D) EACH REEVALUATION OF A RADIATION MACHINE DUE TO FAILURE

21 DURING THE PREVIOUS EVALUATION, RELOCATION OF THE RADIATION

22 MACHINE, OR SIMILAR CHANGES THAT COULD AFFECT EARLIER EVALUATION

23 RESULTS \$ 300.00.

24 (4) IF AN APPLICANT FOR MAMMOGRAPHY AUTHORIZATION SUBMITS AN
 25 EVALUATION REPORT ISSUED BY THE AMERICAN COLLEGE OF RADIOLOGY THAT
 26 EVIDENCES COMPLIANCE WITH SECTION 13573(2)(A), THE DEPARTMENT SHALL
 27 WAIVE THE FEE UNDER SUBSECTION (3) FOR DEPARTMENT EVALUATION OF

1 COMPLIANCE WITH THAT PROVISION.

2 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (1) AND (4),
3 THE DEPARTMENT SHALL NOT WAIVE A FEE REQUIRED UNDER THIS SECTION.

4 (6) THE DEPARTMENT SHALL ADJUST ON AN ANNUAL BASIS THE FEES
5 PRESCRIBED BY SUBSECTIONS (1) AND (3) BY AN AMOUNT DETERMINED BY
6 THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL PERCENTAGE
7 CHANGE IN THE DETROIT CONSUMER PRICE INDEX, NOT TO EXCEED 5%. AS
8 USED IN THIS SUBSECTION, "DETROIT CONSUMER PRICE INDEX" MEANS THE
9 MOST COMPREHENSIVE INDEX OF CONSUMER PRICES AVAILABLE FOR THE
10 DETROIT AREA FROM THE BUREAU OF LABOR STATISTICS OF THE UNITED
11 STATES DEPARTMENT OF LABOR.

12 SEC. 13573. (1) A PERSON SHALL NOT USE A RADIATION MACHINE TO
13 PERFORM MAMMOGRAPHY UNLESS THE RADIATION MACHINE IS REGISTERED WITH
14 THE DEPARTMENT UNDER DEPARTMENT RULES FOR REGISTRATION OF RADIATION
15 MACHINES AND IS SPECIFICALLY AUTHORIZED UNDER THIS SECTION FOR USE
16 FOR MAMMOGRAPHY.

17 (2) THE DEPARTMENT SHALL AUTHORIZE A RADIATION MACHINE FOR USE
18 FOR MAMMOGRAPHY IF THE RADIATION MACHINE, THE PERSONNEL OPERATING
19 THE RADIATION MACHINE, AND THE FACILITY IN WHICH THE RADIATION
20 MACHINE IS USED MEET ALL OF THE FOLLOWING STANDARDS:

21 (A) THE RADIATION MACHINE AND THE FACILITY IN WHICH THE
22 RADIATION MACHINE IS USED MEET THE CRITERIA FOR THE AMERICAN
23 COLLEGE OF RADIOLOGY MAMMOGRAPHY ACCREDITATION PROGRAM DATED
24 AUGUST, 1993 AND AMENDED 1995 (RES. 24, 53) AND PUBLISHED BY THE
25 AMERICAN COLLEGE OF RADIOLOGY IN THE DOCUMENTS ENTITLED "ACR
26 STANDARDS FOR THE PERFORMANCE OF SCREENING MAMMOGRAPHY", WHICH
27 DOCUMENTS AND CRITERIA ARE INCORPORATED BY REFERENCE, EXCLUDING THE

1 PHYSICIAN INTERPRETER AND THE ACCREDITATION FEE SCHEDULE. THE
2 DEPARTMENT SHALL MAKE COPIES OF THOSE CRITERIA AVAILABLE TO THE
3 PUBLIC AND MAY BY RULE ADOPT MODIFIED CRITERIA. THE DEPARTMENT MAY
4 ACCEPT AN EVALUATION REPORT ISSUED BY THE AMERICAN COLLEGE OF
5 RADIOLOGY AS EVIDENCE THAT A RADIATION MACHINE, THE PERSONNEL
6 OPERATING THE RADIATION MACHINE, AND THE FACILITY IN WHICH THE
7 RADIATION MACHINE IS USED MEET THOSE CRITERIA. IF AT ANY TIME THE
8 DEPARTMENT DETERMINES THAT IT WILL NOT ACCEPT ANY EVALUATION
9 REPORTS ISSUED BY THE AMERICAN COLLEGE OF RADIOLOGY AS EVIDENCE
10 THAT A RADIATION MACHINE, THE PERSONNEL OPERATING THE RADIATION
11 MACHINE, AND THE FACILITY IN WHICH THE RADIATION MACHINE IS USED
12 MEET THOSE CRITERIA, THE DEPARTMENT SHALL PROMPTLY NOTIFY EACH
13 PERSON WHO HAS REGISTERED A RADIATION MACHINE USED EXCLUSIVELY TO
14 PERFORM MAMMOGRAPHY UNDER THIS PART AND THE RULES PROMULGATED UNDER
15 THIS PART.

16 (B) THE RADIATION MACHINE, THE FILM OR OTHER IMAGE RECEPTOR
17 USED IN THE RADIATION MACHINE, AND THE FACILITY IN WHICH THE
18 RADIATION MACHINE IS USED MEET THE REQUIREMENTS SET FORTH IN
19 DEPARTMENT RULES FOR RADIATION MACHINES.

20 (C) THE RADIATION MACHINE IS SPECIFICALLY DESIGNED TO PERFORM
21 MAMMOGRAPHY.

22 (D) THE FACILITY IN WHICH THE RADIATION MACHINE IS USED DOES
23 ALL OF THE FOLLOWING:

24 (i) AT LEAST ANNUALLY HAS A QUALIFIED RADIATION PHYSICIST
25 PROVIDE ON-SITE CONSULTATION TO THE FACILITY, INCLUDING, BUT NOT
26 LIMITED TO, A COMPLETE EVALUATION OF THE ENTIRE MAMMOGRAPHY SYSTEM
27 TO ENSURE COMPLIANCE WITH THIS PART AND THE RULES PROMULGATED UNDER

1 THIS PART.

2 (ii) MAINTAINS FOR AT LEAST 7 YEARS RECORDS OF THE CONSULTATION
3 REQUIRED IN SUBPARAGRAPH (i) AND THE FINDINGS OF THE CONSULTATION.

4 (iii) DESIGNATES A MAMMOGRAPHY INTERPRETING PHYSICIAN AS THE
5 LEAD INTERPRETING PHYSICIAN. THE DESIGNATED PHYSICIAN IS
6 RESPONSIBLE FOR THE CLINICAL ASPECTS OF THE X-RAY EXAMINATIONS AND
7 OTHER PROCEDURES RELATED TO MAMMOGRAPHY. THE PHYSICIAN DESIGNATED
8 UNDER THIS SUBPARAGRAPH IS ALSO RESPONSIBLE FOR CONDUCTING AN ON-
9 SITE VISIT TO EACH MAMMOGRAPHY STATION WITHIN THE FACILITY AT LEAST
10 MONTHLY FOR THE PURPOSE OF PROVIDING PROFESSIONAL FEEDBACK
11 REGARDING CLINICAL IMAGE QUALITY AND QUALITY ASSURANCE PROCEDURES,
12 FOR REVIEW OF QUALITY CONTROL DOCUMENTATION, AND FOR ENSURING THAT
13 SAFE OPERATING PROCEDURES ARE USED IN THE DELIVERY OF MAMMOGRAPHIC
14 SERVICES. IF THE PHYSICIAN DESIGNATED UNDER THIS SUBPARAGRAPH
15 PRACTICES PRIMARILY OUTSIDE OF THE FACILITY, THE PHYSICIAN SHALL
16 KEEP A LOG OF EACH ON-SITE VISIT SIGNED BY THE PHYSICIAN. THE CHIEF
17 ADMINISTRATIVE OFFICER OF THE FACILITY OR HIS OR HER DESIGNEE MAY
18 REQUEST TO VIEW THE LOG AT ANY TIME.

19 (iv) SUBMITS, AS PART OF THE APPLICATION FOR AUTHORIZATION AND
20 SUBSEQUENT RENEWALS, EVIDENCE OF A SURETY BOND, SECURED TRUST FUND,
21 OR OTHER SUITABLE SECURED INSTRUMENT OR MECHANISM THAT IS APPROVED
22 BY THE DEPARTMENT AND THAT INSURES PROPER PATIENT MAMMOGRAPHY
23 RECORD AND FILM HANDLING AND TRANSFER IN THE EVENT OF FACILITY
24 CLOSURE. THE FACILITY SHALL ATTEST THAT THE METHOD OF COVERAGE
25 CHOSEN WILL COMPLETELY COVER ALL COSTS INVOLVED AND WILL BE
26 ADJUSTED, AS NEEDED, ACCORDINGLY.

27 (E) THE RADIATION MACHINE IS USED ACCORDING TO DEPARTMENT

1 RULES ON PATIENT RADIATION EXPOSURE AND RADIATION DOSE LEVELS.

2 (F) EACH INDIVIDUAL WHO OPERATES THE RADIATION MACHINE CAN
3 DEMONSTRATE TO THE DEPARTMENT THAT HE OR SHE IS SPECIFICALLY
4 TRAINED IN MAMMOGRAPHY AND MEETS THE STANDARDS REQUIRED BY THE
5 RULES PROMULGATED UNDER SECTION 13571(3) OR IS AN ALLOPATHIC
6 PHYSICIAN OR AN OSTEOPATHIC PHYSICIAN.

7 (G) THE X-RAY IMAGES OF EACH MAMMOGRAPHIC EXAMINATION
8 PERFORMED WITH THE RADIATION MACHINE ARE INTERPRETED BY A
9 MAMMOGRAPHY INTERPRETING PHYSICIAN.

10 (3) THE DEPARTMENT MAY ISSUE A NONRENEWABLE TEMPORARY
11 AUTHORIZATION FOR A RADIATION MACHINE FOR USE FOR MAMMOGRAPHY IF
12 ADDITIONAL TIME IS NEEDED TO ALLOW SUBMISSION OF EVIDENCE
13 SATISFACTORY TO THE DEPARTMENT THAT THE RADIATION MACHINE, THE
14 PERSONNEL OPERATING THE RADIATION MACHINE, AND THE FACILITY IN
15 WHICH THE RADIATION MACHINE IS USED MEET THE STANDARDS SET FORTH IN
16 SUBSECTION (2) FOR APPROVAL FOR MAMMOGRAPHY. A TEMPORARY
17 AUTHORIZATION GRANTED UNDER THIS SUBSECTION IS EFFECTIVE FOR NO
18 MORE THAN 12 MONTHS. THE DEPARTMENT MAY WITHDRAW A TEMPORARY
19 AUTHORIZATION BEFORE ITS EXPIRATION IF THE RADIATION MACHINE, THE
20 PERSONNEL OPERATING THE RADIATION MACHINE, OR THE FACILITY IN WHICH
21 THE RADIATION MACHINE IS USED DOES NOT MEET 1 OR MORE OF THE
22 STANDARDS SET FORTH IN SUBSECTION (2).

23 (4) TO OBTAIN AUTHORIZATION FROM THE DEPARTMENT TO USE A
24 RADIATION MACHINE FOR MAMMOGRAPHY, THE PERSON WHO OWNS OR LEASES
25 THE RADIATION MACHINE OR AN AUTHORIZED AGENT OF THE PERSON SHALL
26 APPLY TO THE DEPARTMENT FOR MAMMOGRAPHY AUTHORIZATION ON AN
27 APPLICATION FORM PROVIDED BY THE DEPARTMENT AND SHALL PROVIDE ALL

1 OF THE INFORMATION REQUIRED BY THE DEPARTMENT AS SPECIFIED ON THE
2 APPLICATION FORM. A PERSON WHO OWNS OR LEASES MORE THAN 1 RADIATION
3 MACHINE USED FOR MAMMOGRAPHY SHALL OBTAIN AUTHORIZATION FOR EACH
4 RADIATION MACHINE. THE DEPARTMENT SHALL PROCESS AND RESPOND TO AN
5 APPLICATION WITHIN 30 DAYS AFTER THE DATE OF RECEIPT OF THE
6 APPLICATION. UPON DETERMINING TO GRANT MAMMOGRAPHY AUTHORIZATION
7 FOR A RADIATION MACHINE, THE DEPARTMENT SHALL ISSUE A CERTIFICATE
8 OF REGISTRATION SPECIFYING MAMMOGRAPHY AUTHORIZATION FOR EACH
9 AUTHORIZED RADIATION MACHINE. A MAMMOGRAPHY AUTHORIZATION IS
10 EFFECTIVE FOR 3 YEARS CONTINGENT UPON THE RADIATION MACHINE FOR
11 WHICH THE MAMMOGRAPHY AUTHORIZATION IS ISSUED, THE PERSONNEL
12 OPERATING THE RADIATION MACHINE, AND THE FACILITY IN WHICH THE
13 RADIATION MACHINE IS OPERATED MEETING 1 OF THE FOLLOWING
14 REQUIREMENTS:

15 (A) MAINTAINING CONTINUED ACCREDITATION BY THE AMERICAN
16 COLLEGE OF RADIOLOGY.

17 (B) HAVING AN ACTIVE ACCREDITATION APPLICATION IN PROCESS WITH
18 THE AMERICAN COLLEGE OF RADIOLOGY.

19 (C) MAINTAINING APPROVAL OR BEING IN THE PROCESS OF OBTAINING
20 APPROVAL UNDER A DEPARTMENT EVALUATION PROCESS EQUIVALENT TO THAT
21 DESCRIBED IN SUBDIVISIONS (A) AND (B).

22 (5) NO LATER THAN 90 DAYS AFTER INITIAL MAMMOGRAPHY
23 AUTHORIZATION OF A RADIATION MACHINE UNDER THIS SECTION, THE
24 DEPARTMENT SHALL INSPECT THE RADIATION MACHINE. AFTER THAT INITIAL
25 INSPECTION, THE DEPARTMENT SHALL ANNUALLY INSPECT THE RADIATION
26 MACHINE AND MAY INSPECT THE RADIATION MACHINE MORE FREQUENTLY. THE
27 DEPARTMENT SHALL MAKE REASONABLE EFFORTS TO COORDINATE THE

1 INSPECTIONS UNDER THIS SECTION WITH THE DEPARTMENT'S OTHER
2 INSPECTIONS OF THE FACILITY IN WHICH THE RADIATION MACHINE IS
3 LOCATED.

4 (6) AFTER EACH SATISFACTORY INSPECTION BY THE DEPARTMENT, THE
5 DEPARTMENT SHALL ISSUE A CERTIFICATE OF RADIATION MACHINE
6 INSPECTION OR A SIMILAR DOCUMENT IDENTIFYING THE FACILITY AND
7 RADIATION MACHINE INSPECTED AND PROVIDING A RECORD OF THE DATE THE
8 RADIATION MACHINE WAS INSPECTED. THE FACILITY SHALL POST THE
9 CERTIFICATE OR OTHER DOCUMENT NEAR THE INSPECTED RADIATION MACHINE.

10 (7) THE DEPARTMENT MAY WITHDRAW THE MAMMOGRAPHY AUTHORIZATION
11 FOR A RADIATION MACHINE IF IT DOES NOT MEET 1 OR MORE OF THE
12 STANDARDS SET FORTH IN SUBSECTION (2).

13 (8) THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR A HEARING
14 IN CONNECTION WITH A DENIAL OR WITHDRAWAL OF MAMMOGRAPHY
15 AUTHORIZATION.

16 (9) UPON A FINDING THAT A DEFICIENCY IN A RADIATION MACHINE
17 USED FOR MAMMOGRAPHY OR A VIOLATION OF THIS PART OR THE RULES
18 PROMULGATED UNDER THIS PART SERIOUSLY AFFECTS THE HEALTH, SAFETY,
19 AND WELFARE OF INDIVIDUALS UPON WHOM THE RADIATION MACHINE IS USED
20 FOR MAMMOGRAPHY, THE DEPARTMENT MAY ISSUE AN EMERGENCY ORDER
21 SUMMARILY WITHDRAWING THE MAMMOGRAPHY AUTHORIZATION FOR THE
22 RADIATION MACHINE. THE DEPARTMENT SHALL INCORPORATE ITS FINDINGS IN
23 THE ORDER AND SHALL PROVIDE AN OPPORTUNITY FOR A HEARING WITHIN 5
24 WORKING DAYS AFTER ISSUANCE OF THE ORDER. THE ORDER IS EFFECTIVE
25 DURING THE PROCEEDINGS.

26 (10) IF THE DEPARTMENT WITHDRAWS THE MAMMOGRAPHY AUTHORIZATION
27 FOR A RADIATION MACHINE, THE RADIATION MACHINE SHALL NOT BE USED

1 FOR MAMMOGRAPHY. AN APPLICATION FOR REINSTATEMENT OF A MAMMOGRAPHY
2 AUTHORIZATION SHALL BE FILED AND PROCESSED IN THE SAME MANNER AS AN
3 APPLICATION FOR MAMMOGRAPHY AUTHORIZATION UNDER SUBSECTION (4),
4 EXCEPT THAT THE DEPARTMENT SHALL NOT ISSUE A REINSTATED CERTIFICATE
5 OF MAMMOGRAPHY REGISTRATION UNTIL THE DEPARTMENT RECEIVES THE
6 REINSPECTION FEE REQUIRED UNDER SECTION 13572(3), INSPECTS THE
7 RADIATION MACHINE, AND DETERMINES THAT IT MEETS THE STANDARDS SET
8 FORTH IN SUBSECTION (2). THE DEPARTMENT SHALL CONDUCT AN INSPECTION
9 REQUIRED UNDER THIS SUBSECTION NO LATER THAN 60 DAYS AFTER
10 RECEIVING A PROPER APPLICATION FOR REINSTATEMENT OF A MAMMOGRAPHY
11 AUTHORIZATION.

12 (11) IN ADDITION TO THE PENALTIES PROVIDED IN SECTION 13585
13 AND THE REINSPECTION FEE REQUIRED UNDER SECTION 13572, IF A PERSON
14 VIOLATES SUBSECTION (1), THE DEPARTMENT MAY IMPOSE AN
15 ADMINISTRATIVE FINE AGAINST THE OWNER OF THE RADIATION MACHINE OR,
16 IF A LESSEE OF THE RADIATION MACHINE HAS EFFECTIVE CONTROL OF THE
17 RADIATION MACHINE, THE LESSEE, OF NOT MORE THAN \$500.00 FOR EACH
18 CALENDAR WEEK IN WHICH A MAMMOGRAPHY IS PERFORMED IN VIOLATION OF
19 SUBSECTION (1). IF A PERSON CONTINUES TO VIOLATE SUBSECTION (1) FOR
20 A PERIOD OF 2 WEEKS AFTER A FINE IS IMPOSED UNDER THIS SUBSECTION,
21 THE DEPARTMENT SHALL POST A CONSPICUOUS NOTICE ON THE UNAUTHORIZED
22 RADIATION MACHINE AND AT THE ENTRY TO THE FACILITY WHERE THE
23 RADIATION MACHINE IS LOCATED WARNING THE PUBLIC THAT THE FACILITY
24 IS PERFORMING MAMMOGRAPHY USING A RADIATION MACHINE THAT IS A
25 SUBSTANTIAL HAZARD TO THE PUBLIC HEALTH.

26 (12) THE DEPARTMENT MAY PROMULGATE RULES NECESSARY TO
27 IMPLEMENT THIS SECTION AFTER CONSULTATION WITH THE IONIZING

1 RADIATION ADVISORY COMMITTEE ESTABLISHED UNDER SECTION 13581.

2 SEC. 13574. (1) A FACILITY IN WHICH A RADIATION MACHINE IS
3 LOCATED SHALL ENSURE THAT ALL INDIVIDUALS, EXCEPT LICENSED MEMBERS
4 OF THE HEALING ARTS, USING THE RADIATION MACHINE FOR HUMAN
5 SCREENING OR FOR DIAGNOSTIC OR THERAPEUTIC PURPOSES ARE ADEQUATELY
6 INSTRUCTED IN THE SAFE OPERATING PROCEDURES OF THE RADIATION
7 MACHINE, PURSUANT TO THIS SECTION. THE FACILITY SHALL ENSURE THAT
8 THESE INDIVIDUALS MEET THE SPECIFIC REQUIREMENTS OF THIS SECTION.
9 THE DEPARTMENT MAY USE INTERVIEW, OBSERVATION, OR BOTH, TO
10 DETERMINE COMPLIANCE WITH THIS SECTION. A FACILITY DESCRIBED IN
11 THIS SUBSECTION SHALL MAINTAIN RECORDS IN ORDER TO DEMONSTRATE
12 COMPLIANCE WITH THIS SECTION.

13 (2) LIMITED SCOPE OPERATORS ARE LIMITED IN SCOPE OF PRACTICE
14 TO ONLY THOSE PROCEDURES LISTED IN SUBSECTION (6). LIMITED SCOPE
15 OPERATORS SHALL MEET THE PREREQUISITE QUALIFICATIONS, RECEIVE
16 TRAINING, AND DEMONSTRATE COMPETENCE AS FOLLOWS:

17 (A) SHALL COMPLETE AT LEAST 48 HOURS OF DIDACTIC INSTRUCTION
18 IN A FORMAL PROGRAM, APPROVED BY THE DEPARTMENT, AS PRESCRIBED IN
19 SUBSECTION (7).

20 (B) ACHIEVE A PASSING SCORE OF 70% ON THE CERTIFICATION
21 EXAMINATION FOR THE LIMITED SCOPE OF PRACTICE IN RADIOGRAPHY
22 DEVELOPED BY THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS AND
23 APPROVED BY THE DEPARTMENT IN AT LEAST 1 BUT NO MORE THAN 3 OF THE
24 LIMITED SCOPE CATEGORIES OF CHEST, EXTREMITIES, SKULL/SINUS, SPINE,
25 OR PODIATRIC. A FACILITY NEEDING TO PERFORM EXAMINATIONS IN
26 ADDITION TO ANY 3 OF THESE CATEGORIES SHALL EMPLOY A COMPREHENSIVE
27 SCOPE OPERATOR ACCORDING TO SUBSECTION (3). A PASSING SCORE ON THE

1 BASIC CHIROPRACTIC X-RAY TECHNOLOGY EXAMINATION GIVEN THROUGH THE
2 AMERICAN CHIROPRACTIC REGISTRY OF RADIOLOGIC TECHNOLOGISTS AND
3 APPROVED BY THE DEPARTMENT IS CONSIDERED TO MEET THE REQUIREMENTS
4 OF THIS SUBDIVISION FOR LIMITED SCOPE SPINAL RADIOGRAPHY.

5 (C) SHALL COMPLETE THE CLINICAL EXPERIENCE REQUIREMENTS IN
6 SUBSECTION (8).

7 (D) INDIVIDUALS WHO HAVE BEEN ACTIVELY WORKING AS A MEDICAL X-
8 RAY OPERATOR FOR AT LEAST 6 MONTHS BEFORE THE EFFECTIVE DATE OF
9 THIS PART ARE EXEMPT FROM THE REQUIREMENTS OF SUBDIVISION (C).
10 THESE INDIVIDUALS SHALL DOCUMENT COMPLETION OF THE DIDACTIC
11 TRAINING REQUIREMENTS IN SUBDIVISION (A) AND THE EXAMINATION
12 REQUIREMENTS IN SUBDIVISION (B) WITHIN 3 YEARS OF THE EFFECTIVE
13 DATE OF THIS PART.

14 (E) SHALL OBTAIN NOT LESS THAN 15 HOURS, IN ANY 3-YEAR PERIOD,
15 OF CONTINUING EDUCATION IN THE TECHNICAL OR CLINICAL, OR BOTH,
16 ASPECTS AND RELATED SUBJECTS OF X-RAY EXAMINATIONS IN THEIR SCOPE
17 OF PRACTICE.

18 (3) COMPREHENSIVE SCOPE OPERATORS ARE NOT LIMITED IN SCOPE OF
19 PRACTICE FOR PERFORMING MEDICAL X-RAY PROCEDURES. COMPREHENSIVE
20 SCOPE OPERATORS MUST MEET THE PREREQUISITE QUALIFICATIONS, RECEIVE
21 TRAINING, AND DEMONSTRATE COMPETENCE AS FOLLOWS:

22 (A) SHALL MEET THE STANDARDS FOR ISSUANCE OF A REGISTRATION
23 CERTIFICATE AS A REGISTERED TECHNOLOGIST FROM THE AMERICAN REGISTRY
24 OF RADIOLOGIC TECHNOLOGISTS OR OTHER NATIONALLY RECOGNIZED
25 ACCREDITATION BODY. THESE STANDARDS, ENTITLED "RULES AND
26 REGULATIONS", AS REVISED IN FEBRUARY, 1990, AND "BY-LAWS", AS
27 REVISED IN SEPTEMBER, 1989, PUBLISHED BY THE AMERICAN REGISTRY OF

1 RADIOLOGIC TECHNOLOGISTS, ARE INCORPORATED BY REFERENCE. THESE
2 STANDARDS ARE AVAILABLE FROM THE RADIATION SAFETY SECTION, MICHIGAN
3 DEPARTMENT OF COMMUNITY HEALTH, 611 WEST OTTAWA STREET, P.O. BOX
4 30664, LANSING, MICHIGAN, 48909, AT NO CHARGE. THE STANDARDS ARE
5 ALSO AVAILABLE FROM THE AMERICAN REGISTRY OF RADIOLOGIC
6 TECHNOLOGISTS, 1255 NORTHLAND DRIVE, ST. PAUL, MINNESOTA, 55120, AT
7 NO CHARGE. A DETERMINATION BY THE AMERICAN REGISTRY OF RADIOLOGIC
8 TECHNOLOGISTS THAT AN INDIVIDUAL MEETS ITS RESPECTIVE STANDARDS FOR
9 ISSUANCE OF A REGISTRATION CERTIFICATE IS PRIMA FACIE EVIDENCE TO
10 THE DEPARTMENT THAT THE INDIVIDUAL COMPLIES WITH THE STANDARDS.

11 (B) SHALL, IF THE SCOPE OF PRACTICE INCLUDES SPECIALTIES SUCH
12 AS COMPUTED TOMOGRAPHY OR RADIATION THERAPY, MEET THE STANDARDS FOR
13 ISSUANCE OF ADVANCED CERTIFICATION IN THAT SPECIALITY FROM THE
14 AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS, AS APPROVED BY THE
15 DEPARTMENT.

16 (4) DENTAL X-RAY OPERATORS, EXCEPT DENTISTS LICENSED UNDER
17 ARTICLE 15, SHALL MEET THE PREREQUISITE QUALIFICATIONS, RECEIVE
18 TRAINING, AND DEMONSTRATE COMPETENCE AS FOLLOWS:

19 (A) SHALL COMPLETE AT LEAST 36 HOURS OF DIDACTIC INSTRUCTION
20 IN A FORMAL PROGRAM, APPROVED BY THE DEPARTMENT, AS PRESCRIBED IN
21 SUBSECTION (9).

22 (B) GRADUATES OF A DENTAL HYGIENE OR DENTAL ASSISTING PROGRAM
23 CERTIFIED BY THE COMMISSION ON DENTAL ACCREDITATION AND APPROVED BY
24 THE DEPARTMENT ARE CONSIDERED TO HAVE MET THE REQUIREMENTS OF
25 SUBDIVISION (A).

26 (C) INDIVIDUALS WHO HAVE BEEN ACTIVELY WORKING AS A DENTAL X-
27 RAY OPERATOR FOR AT LEAST 6 MONTHS BEFORE THE EFFECTIVE DATE OF

THIS PART SHALL DOCUMENT COMPLETION OF THE DIDACTIC TRAINING REQUIREMENTS OF SUBDIVISION (A) OR (B) WITHIN 3 YEARS AFTER THE EFFECTIVE DATE OF THIS PART.

(5) VETERINARY X-RAY OPERATORS, UNLESS UNDER THE DIRECT SUPERVISION OF A VETERINARIAN LICENSED UNDER ARTICLE 15, SHALL MEET THE PREREQUISITE QUALIFICATIONS, RECEIVE TRAINING, AND DEMONSTRATE COMPETENCE AS FOLLOWS:

(A) SHALL COMPLETE AT LEAST 36 HOURS OF DIDACTIC INSTRUCTION IN A FORMAL PROGRAM APPROVED BY THE DEPARTMENT AS PRESCRIBED IN SUBSECTION (10).

(B) INDIVIDUALS WHO HAVE BEEN ACTIVELY WORKING AS A VETERINARY X-RAY OPERATOR FOR AT LEAST 6 MONTHS BEFORE THE EFFECTIVE DATE OF THIS PART SHALL DOCUMENT COMPLETION OF THE DIDACTIC TRAINING REQUIREMENTS IN SUBDIVISION (A) WITHIN 3 YEARS AFTER THE EFFECTIVE DATE OF THIS PART.

(6) LIMITED SCOPE X-RAY OPERATORS, AS DESCRIBED IN SUBSECTION (2), SHALL PERFORM ONLY THE FOLLOWING SPECIFIC X-RAY EXAMINATIONS:

(A) THE FOLLOWING X-RAY EXAMINATIONS OF THE EXTREMITIES:

(i) HAND AND FINGERS..... PA, LATERAL, OBLIQUE.

(ii) WRISTS PA, LATERAL, OBLIQUE.

(iii) FOREARM..... AP, LATERAL.

(iv) ELBOW..... AP, LATERAL.

(v) HUMERUS AP, LATERAL.

(vi) FOOT AND TOES AP, LATERAL, OBLIQUE.

(vii) ANKLE AP, LATERAL, OBLIQUE.

(viii) TIBIA-FIBULA AP, LATERAL.

(ix) KNEE..... AP, LATERAL.

1 (x) FEMUR AP, LATERAL.

2 (B) THE FOLLOWING X-RAY EXAMINATIONS OF THE SPINE:

3 (i) CERVICAL SPINE..... AP, LATERAL, ODONTOID,

4 NON-TRAUMA, SWIMMER'S NON-TRAUMA.

5 (ii) THORACIC SPINEAP, LATERAL, SWIMMER'S NON-TRAUMA.

6 (iii) LUMBAR SPINE..... AP, LATERAL, L5-S1 LATERAL.

7 (C) PA, AP, LATERAL, OBLIQUE, DECUBITUS, AND APICAL LORDOTIC

8 X-RAY EXAMINATIONS OF THE CHEST.

9 (D) DP AND LATERAL X-RAY EXAMINATIONS OF THE ANKLE.

10 (E) THE FOLLOWING X-RAY EXAMINATIONS OF THE SKULL AND SINUS:

11 (i) ENTIRE SKULL.

12 (ii) PARANASAL SINUSES.

13 (iii) FACIAL BONES.

14 (iv) MANDIBLE AND TEMPOROMANDIBULAR JOINT.

15 (7) AN INDIVIDUAL DESCRIBED IN SUBSECTIONS (2) AND (3) SHALL

16 COMPLETE A MINIMUM OF 48 HOURS OF DIDACTIC TRAINING IN A FORMAL

17 TRAINING COURSE. AFTER SUCCESSFUL COMPLETION OF THE COURSE, THE

18 INDIVIDUAL SHALL PASS AN EXAMINATION APPROPRIATE TO HIS OR HER

19 SCOPE OF PRACTICE AND COMPLETE THE CLINICAL EXPERIENCE REQUIREMENTS

20 PRESCRIBED IN SUBSECTION (8). THE FORMAL TRAINING COURSE IS SUBJECT

21 TO DEPARTMENT APPROVAL AND SHALL PROVIDE INSTRUCTION IN ALL OF THE

22 FOLLOWING SUBJECTS:

23 (A) RADIATION PROTECTION INCLUDING ALL OF THE FOLLOWING:

24 (i) PATIENT PROTECTION.

25 (ii) PERSONNEL PROTECTION.

26 (iii) RADIATION EXPOSURE AND MONITORING.

27 (B) EQUIPMENT OPERATION AND MAINTENANCE INCLUDING ALL OF THE

1 FOLLOWING:

2 (i) RADIOGRAPHIC UNIT COMPONENTS.

3 (ii) PRINCIPLES OF X-RAY PRODUCTION.

4 (iii) RECOGNITION OF MALFUNCTIONS.

5 (C) IMAGE PRODUCTION AND EVALUATION INCLUDING ALL OF THE
6 FOLLOWING:

7 (i) SELECTION OF TECHNIQUE FACTORS.

8 (ii) FILM PROCESSING AND QUALITY ASSURANCE.

9 (iii) EVALUATION OF RADIOGRAPHS.

10 (D) PATIENT CARE INCLUDING ALL OF THE FOLLOWING:

11 (i) LEGAL AND PROFESSIONAL RESPONSIBILITIES.

12 (ii) PATIENT EDUCATION, SAFETY, AND COMFORT.

13 (iii) PREVENTION AND CONTROL OF INFECTION.

14 (iv) PATIENT MONITORING.

15 (E) RADIOGRAPHIC PROCEDURE POSITIONING.

16 (8) AN INDIVIDUAL WHO COMPLETES THE REQUIREMENTS OF SUBSECTION
17 (7) SHALL COMPLETE 1 MONTH OF CLINICAL TRAINING DURING WHICH TIME
18 HE OR SHE MAY PERFORM THE X-RAY EXAMINATIONS ALLOWED UNDER
19 SUBSECTION (6) ONLY UNDER THE DIRECT SUPERVISION OF THE PHYSICIAN
20 IN CHARGE, A COMPREHENSIVE SCOPE OPERATOR, OR A LIMITED SCOPE
21 OPERATOR WITH NO LESS THAN 3 YEARS OF EXPERIENCE. AN INDIVIDUAL
22 DESCRIBED IN THIS SUBSECTION SHALL BE TRAINED IN PROPER IMAGING
23 PROCEDURES AS LISTED BELOW:

24 (A) SELECTION OF APPROPRIATE FILM SIZE.

25 (B) SELECTION OF APPROPRIATE TECHNIQUE FACTORS.

26 (C) USE OF CORRECT SOURCE-TO-IMAGE DISTANCE.

27 (D) ESTABLISHMENT OF PROPER DIRECTION OF CENTRAL RAY.

1 (E) EXECUTION OF PROPER PATIENT POSITION.

2 (F) COLLIMATION OF THE X-RAY BEAM AS APPROPRIATE.

3 (G) PROVIDING GONADAL SHIELDING IF APPROPRIATE.

4 (H) USING CORRECT FILM MARKERS.

5 (I) GIVING PROPER PATIENT INSTRUCTION.

6 (J) PLACING PATIENT INFORMATION CORRECTLY ON THE FILM.

7 (K) COMPLETING EXAMINATION IN A TIMELY MANNER.

8 (L) OBTAINING DESIRED ANATOMY AND POSITIONING RESULTS ON THE
9 FILM.

10 (M) OBTAINING APPROPRIATE CONTRAST AND DENSITY ON THE FILM.

11 (N) IDENTIFYING VISIBLE MOTION OR FILM ARTIFACTS AND REPEATING
12 EXAM IF NEEDED.

13 (9) AN INDIVIDUAL DESCRIBED IN SUBSECTION (4) SHALL COMPLETE A
14 MINIMUM OF 36 HOURS OF DIDACTIC RADIOLOGY TRAINING IN A FORMAL
15 TRAINING COURSE. THE COURSE IS SUBJECT TO DEPARTMENT APPROVAL AND
16 SHALL PROVIDE INSTRUCTION IN ALL OF THE FOLLOWING SUBJECTS:

17 (A) RADIATION PROTECTION, INCLUDING ALL OF THE FOLLOWING:

18 (i) PATIENT PROTECTION.

19 (ii) PERSONNEL PROTECTION.

20 (iii) RADIATION EXPOSURE AND MONITORING.

21 (B) EQUIPMENT OPERATION AND MAINTENANCE, INCLUDING ALL OF THE
22 FOLLOWING:

23 (i) RADIOGRAPHIC UNIT COMPONENTS.

24 (ii) PRINCIPLES OF X-RAY PRODUCTION.

25 (iii) RECOGNITION OF MALFUNCTIONS.

26 (C) IMAGE PRODUCTION AND EVALUATION, INCLUDING ALL OF THE
27 FOLLOWING:

1 (i) SELECTION OF TECHNIQUE FACTORS.

2 (ii) FILM PROCESSING AND QUALITY ASSURANCE.

3 (iii) EVALUATION, MOUNTING, AND LABELING OF RADIOGRAPHS.

4 (D) PATIENT CARE, INCLUDING ALL OF THE FOLLOWING:

5 (i) LEGAL AND PROFESSIONAL RESPONSIBILITIES.

6 (ii) PATIENT EDUCATION, SAFETY, AND COMFORT.

7 (iii) PREVENTION AND CONTROL OF INFECTION.

8 (iv) PATIENT MONITORING.

9 (E) RADIOGRAPHIC PROCEDURE POSITIONING AND FILM SELECTION,
10 INCLUDING ALL OF THE FOLLOWING:

11 (i) PERIAPICAL.

12 (ii) BITEWING.

13 (iii) OCCLUSAL.

14 (iv) PANORAMIC.

15 (v) CEPHALOMETRIC, ORTHODONTIC ONLY.

16 (vi) TRANSCRANIAL AND TMJ, ORAL/MAXILLOFACIAL ONLY.

17 (10) AN INDIVIDUAL DESCRIBED IN SUBSECTION (5) SHALL COMPLETE
18 A MINIMUM OF 36 HOURS OF DIDACTIC TRAINING IN A FORMAL TRAINING
19 COURSE. THE COURSE IS SUBJECT TO DEPARTMENT APPROVAL AND SHALL
20 PROVIDE INSTRUCTION IN ALL OF THE FOLLOWING SUBJECTS:

21 (A) RADIATION PROTECTION, INCLUDING ALL OF THE FOLLOWING:

22 (i) PERSONNEL PROTECTION.

23 (ii) RADIATION EXPOSURE AND MONITORING.

24 (B) EQUIPMENT OPERATION AND MAINTENANCE, INCLUDING ALL OF THE
25 FOLLOWING:

26 (i) RADIOGRAPHIC UNIT COMPONENTS.

27 (ii) PRINCIPLES OF X-RAY PRODUCTION.

1 (iii) RECOGNITION OF MALFUNCTIONS.

2 (C) IMAGE PRODUCTION AND EVALUATION, INCLUDING ALL OF THE
3 FOLLOWING:

4 (i) SELECTION OF TECHNIQUE FACTORS.

5 (ii) FILM PROCESSING AND QUALITY ASSURANCE.

6 (iii) EVALUATION AND LABELING OF RADIOGRAPHS.

7 (iv) INFECTION CONTROL.

8 (D) RADIOGRAPHIC PROCEDURE POSITIONING.

9 SEC. 13575. A MUNICIPALITY OR A DEPARTMENT, AGENCY, OR
10 OFFICIAL OF A MUNICIPALITY SHALL NOT LICENSE, REGULATE, OR REQUIRE
11 THE REGISTRATION OF A RADIATION MACHINE OR A NON-IONIZING RADIATION
12 DEVICE.

13 SEC. 13581. THE DIRECTOR SHALL APPOINT AN IONIZING RADIATION
14 ADVISORY COMMITTEE. MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE
15 OF THE DIRECTOR. THE COMMITTEE SHALL FURNISH TO THE DEPARTMENT
16 TECHNICAL ADVICE THE COMMITTEE CONSIDERS DESIRABLE OR THE
17 DEPARTMENT MAY REASONABLY REQUEST ON MATTERS RELATING TO THE
18 RADIATION MACHINE CONTROL PROGRAM.

19 SEC. 13585. A PERSON WHO VIOLATES THIS PART OR A RULE
20 PROMULGATED UNDER THIS PART OR WHO FAILS TO OBTAIN OR COMPLY WITH A
21 CONDITION OF REGISTRATION UNDER THIS PART IS GUILTY OF A
22 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS,
23 OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH. A COURT MAY FINE A
24 PERSON NOT MORE THAN \$2,000.00 FOR EACH VIOLATION OF THIS PART.
25 EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION.

26 SEC. 13586. IF, AFTER THOROUGH INVESTIGATION BY THE
27 DEPARTMENT, IT IS THE JUDGMENT OF THE DEPARTMENT THAT A PERSON HAS

1 ENGAGED IN OR IS ABOUT TO ENGAGE IN AN ACT OR PRACTICE THAT
2 CONSTITUTES A VIOLATION OF THIS PART OR A RULE OR ORDER PROMULGATED
3 OR ISSUED UNDER THIS PART, THE ATTORNEY GENERAL, AT THE REQUEST OF
4 THE DEPARTMENT, SHALL APPLY TO THE APPROPRIATE CIRCUIT COURT FOR AN
5 ORDER ENJOINING THE ACT OR PRACTICE OR FOR AN ORDER DIRECTING
6 COMPLIANCE WITH THIS PART OR A RULE OR ORDER PROMULGATED OR ISSUED
7 UNDER THIS PART.

8 Enacting section 1. Sections 13523 and 13531 of the public
9 health code, 1978 PA 368, MCL 333.13523 and 333.13531, are
10 repealed.