



February 18, 2021

TO: The Honorable Rachel Prusak, Chair
House Committee on Health Care

FROM: André Ourso, MPH, JD
Public Health Division
Oregon Health Authority

SUBJECT: HB 2075, Radiation Protection Services Fees

Chair Prusak, and members of the committee, I am André Ourso, Administrator for the Center for Health Protection in the Public Health Division of the Oregon Health Authority. Thank you for the opportunity to testify before you today in support of House Bill 2075, which would increase radiation user registration and licensing fees to support current operations through the 2025-2027 biennium. Increased fees will place Radiation Protection Services (RPS) in a position to achieve PHD modernization and health equity goals, advancement of triple aim objectives and ensure radiation health and safety of all Oregonians through financial sustainability and adequate staffing.

The health and safety of every Oregonian is impacted by positive applications of radiation. Examples include dental X-rays to prevent cavities, interventional radiation therapy to treat cancer, gauges containing radioactive materials for food processing and industrial radiography cameras to ensure the integrity of building steel girders.

HB 2075 allows Radiation Protection Services (RPS) to statutorily: 1) restructure the X-ray biennial device registration fee schedule to be “tube-based”, versus a machine control panel fee which creates added revenue (\$1,228,000); 2) initiate a new X-ray vendor \$500 annual licensing fee (\$60,00 added revenue); and 3) change the tanning program fee cap from \$150 per device to \$200 (\$135,000 added revenue). A Policy Option Package will increase radioactive material licensing fees to address current fee inequities by \$559,000.

The bill will generate the necessary revenue to cover the cost of the program and ensuring radiation safety for Oregonians. We require \$1,982,000 in increased fees to mitigate a growing funding and service/staffing gap, due to inflation, increased operational costs and personnel expenses. RPS public protection and regulatory operations are 100% dependent on user registration and licensing fees: no General Funds support the program.

The Radiation Protection Services Section of the Public Health Division's, Center for Health Protection, is the state's sole radiation control agency charged with promoting beneficial uses of radiation and protecting Oregonians from unnecessary and harmful radiation exposure. RPS regulates 4,139 facilities which use approximately 13,900 radiation producing devices and sources of radiation.

The bill allows RPS to provide ongoing licensure, registration, and facility inspection programs; radiological emergency response training; technical assistance; agricultural product testing; environmental radiation surveillance activities; enforcement of security regulations for high-risk radioactive materials; and 24/7 radiation response capabilities.

HB 2075 permits RPS to address emerging radiation technologies, including equipment analyses and testing of new device designs; review of manufacturer applications training to ensure radiation safety and use by device operators, for patients, and the public; evaluation of formal medical radiation education curriculums; vetting and approval of proposed operator training programs; and facilitating inter-organizational collaborative efforts to give medical practitioners an opportunity to treat patients using new diagnostic and therapeutic radiation modalities.

The bill funds RPS health equity efforts to support more affordable health care treatments, improve rural health accessibility to medical services and facilitate physician extender opportunities. Examples include: approving hand-held dental X-ray devices for dental practitioners, which creates an opportunity for lower-cost diagnostic services; allowing dermatologists to use new superficial radiation therapy devices for treating skin cancer, versus disfiguring surgery; permitting Advanced Practice Registered Nurses to be supervisors of selected fluoroscopic medical procedures thus becoming physician extenders; approving body scanners in correctional facilities to improve overall safety and security; and allowing Certified Veterinary Technicians to be Computed Tomography operators thus becoming "veterinarian extenders".

Oregon's current fees are low compared to neighboring states. Proposed X-ray registration fees would still be comparable to the total average fees derived from California, Washington, and Nevada. Proposed RPS radioactive material licensing fees are significantly lower than Nuclear Regulatory Commission fee schedules.

X-ray and tanning program user-fees were last increased in 2015. The last radioactive material licensing fee increase was in 2014. Studies of comparable state and federal funding mechanisms indicate that increased fees and new revenue streams are warranted.

RPS currently has a 15-member staff with two vacancies. The Conference of Radiation Control Program Directors, Inc. "Criteria for an Adequate Radiation Control Program" recommends that Oregon should have a 22-member staff to adequately regulate its registrants and licensees. Fee increases in the bill would allow program vacancies to be

filled and recruitment of two additional inspectors to address a growing 600 facility inspection backlog.

The existing legislatively approved registration and licensing fee schedules place RPS in a fragile position because of its sole reliance upon user fees to meet budgetary responsibilities. Based upon 2023-2025 biennium revenue/expenditure projections, RPS will be in a significant deficit position (\$2,248,490) unless revenues are increased. Additional fee revenue will reverse a growing funding/service gap and provide financial solvency through 2025-2027.

If fees are not increased, RPS will be required to drastically reduce staffing and regulatory, inspection and emergency response programs which would significantly increase the potential for injury and exposure to harmful levels of unnecessary radiation to patients, workers and the public. These staff reductions mean X-ray and radioactive material licensing programs will have fewer Radiation Health Physicists to complete facility inspections and provide less radiation safety education to registrants and licensees. RPS will be in jeopardy of breaching interagency obligations/contracts with the Nuclear Regulatory Commission, US Food and Drug Administration, Oregon Department of Energy, Oregon Board of Medical Imaging and Oregon Metro.

It will also be necessary to reduce the current 15-member RPS staff to 7.5 FTE by the end of the 2021-2023 biennium. This will effectively eliminate the tanning program regulation and enforcement elements, leaving only a device registry. There would be no enforcement of underage tanning restrictions, an increase in preventable tanning bed burn incidents and an increase in the risk of Melanoma incidents (the deadliest form of skin cancer, now the second most common cancer in both males and females ages 15-29, according to the American Academy of Dermatology).

In addition, RPS will have fewer staff to: conduct timely radiation incident mitigation and consumer complaint follow up; train local and state radiological emergency first responders-receivers; offer radioanalytical laboratory services to test agricultural products and complete environmental surveillance activities.

HB 2075 is essential to ensure the ongoing health and safety of Oregonians.

The Public Health Division would be pleased to provide the committee with additional information as needed. Thank you for the opportunity to provide you with this testimony.