

Act No. 88
Public Acts of 1992
Approved by the Governor
June 4, 1992
Filed with the Secretary of State
June 4, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Reps. Johnson, Bender, Gilmer, Hillegonds, Ostling, Richard A. Young and Emerson

ENROLLED HOUSE BILL No. 4906

AN ACT to amend section 13522 of Act No. 368 of the Public Acts of 1978, entitled as amended "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," as amended by Act No. 56 of the Public Acts of 1989, being section 333.13522 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 13522 of Act No. 368 of the Public Acts of 1978, as amended by Act No. 56 of the Public Acts of 1989, being section 333.13522 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 13522. (1) In promulgating rules pursuant to this part, the department shall avoid requiring dual licensing, insofar as practical. Rules promulgated by the department may provide for recognition of other state or federal licenses as the department considers desirable, subject to registration requirements prescribed by the department. A person who, on the effective date of an agreement under Act No. 54 of the Public Acts of 1965, being sections 3.801 to 3.802 of the Michigan Compiled Laws, possesses a license issued by the federal government for a source of ionizing radiation of the type for which the state assumes regulatory responsibility under the agreement, is considered to possess an identical license issued pursuant to this part, which license expires either 90 days after receipt of a written notice of termination from the department or on the date of expiration stated in the federal license, whichever occurs first.

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

(3) Except as otherwise provided in this subsection, the department may promulgate rules to establish a schedule of fees to be paid by an applicant for a license for other sources of ionizing radiation and the renewal of the license, and by a person possessing sources of ionizing radiation that are subject to registration. The registration or registration renewal fee for a radiation machine registered under this part is \$45.00 for the first

veterinary or dental x-ray or electron tube and \$25.00 for each additional veterinary or dental x-ray or electron tube annually, or \$75.00 annually per nonveterinary or nondental x-ray or electron tube. The department shall not assess a fee for the amendment of a radiation machine registration certificate. In addition, the department shall assess a fee of \$100.00 for each followup inspection due to noncompliance during the same year. The department may accept a written certification from the licensee or registrant that the items of noncompliance have been corrected instead of performing a followup inspection. If the department does not inspect a source of ionizing radiation for a period of 5 consecutive years, the licensee or registrant of the source of ionizing radiation does not have to pay further license or registration fees as to that source of ionizing radiation until the first license or registration renewal date following the time an inspection of the source of ionizing radiation is made.

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

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

- (a) Inspection, per radiation machine \$ 100.00
- (b) Reinspection for reinstatement of mammography authorization, per radiation machine \$ 100.00
- (c) Department evaluation of compliance with section 13523(2)(a), first radiation machine \$ 500.00
- Each additional radiation machine..... \$ 400.00.

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

(7) Except as otherwise provided in subsections (3) and (6), the department shall not waive a fee required under this section.

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

Section 2. A fee increase imposed pursuant to this amendatory act is effective October 1, 1991. A fee imposed under this part between October 1, 1991 and the effective date of this amendatory act shall be adjusted and paid within 60 days after the effective date of this amendatory act.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.