

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.13522 Rules; avoiding dual licensing; recognition of other state or federal licenses; schedule of fees; deposit of fees; nonrefundable fees in connection with mammography authorization; waiver of fee; waiver prohibited; adjustment of fees.

Sec. 13522. (1) In promulgating rules under this part, the department shall avoid requiring dual licensing, insofar as practical. Rules promulgated by the department may provide for the recognition of other state or federal licenses as the department considers desirable, subject to registration requirements prescribed by the department. A person that, on the effective date of an agreement under 1965 PA 54, MCL 3.801 to 3.802, 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 under 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 \$104.88 for the first veterinary or dental x-ray or electron tube and \$58.19 for each additional veterinary or dental x-ray or electron tube annually, or \$174.88 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 \$233.23 for each follow-up 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 follow-up 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 must 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	\$ 233.23
(b) Reinspection for reinstatement of mammography authorization, per radiation machine	\$ 233.23
(c) Department evaluation of compliance with section 13523(2)(a), per radiation machine	\$ 1,567.45
Each reevaluation of a radiation machine due to failure during the previous evaluation, relocation of the radiation machine, or similar changes that could affect earlier evaluation results	\$ 671.65

(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.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1980, Act 522, Imd. Eff. Jan. 26, 1981;—Am. 1982, Act 403, Eff. Oct. 1, 1983;—Am. 1989, Act 56, Imd. Eff. June 16, 1989;—Am. 1992, Act 88, Imd. Eff. June 4, 1992;—Am. 1994, Act 100, Imd. Eff. Apr. 18, 1994;—Am. 2023, Act 138, Imd. Eff. Sept. 29, 2023.

Compiler's note: For transfer of powers and duties of Michigan indoor radon program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

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Administrative rules: R 325.5001 et seq., R 325.5801 et seq., and R 325.5901 et seq. of the Michigan Administrative Code.