

**Ministry of Health
and Long-Term Care**

Health System Accountability and
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Performance Improvement and
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**Ministère de la Santé
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Division de la responsabilisation et de la
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Dear Sir or Madam:

I am contacting you in my capacity as Director of X-ray Safety for Ontario to inform you of a Minister's regulation that the Ministry of Health and Long-Term Care is proposing to make under the *Healing Arts Radiation Protection Act, 1990* (HARP Act) to establish a fee for the approval of installation plans for X-ray machines, and to request any comments that you may have on the proposed regulation.

Proposed Regulation

Under the *Healing Arts Radiation Protection Act, 1990* (HARP Act), individuals must obtain the approval of Ontario's Director of X-ray Safety to install X-ray machines, including Computerized Tomography machines (CTs), that will be used on human beings for diagnostic or therapeutic purposes.

Using an existing authority in the HARP Act, the Minister of Health and Long-Term Care is proposing to establish in regulation a fee that applicants seeking the Director's approval must pay in order to cover the costs of the process for reviewing and approving the application.

The fee would be determined on a cost-recovery basis. The current costs incurred by the ministry are \$360. The fee would come into effect on January 1, 2016. The fee would be provided as part of the application, but would not be processed until the application satisfies the compliance criteria for approval.

Public hospitals would be exempt from the fee due to their status as not-for-profit corporations that receive their operating global budget through Local Health Integration Networks.

X-ray machines at educational institutions would also be exempt from the fee in order to support their efforts to ensure that their students learn how to maximize the safety of patients, the public and staff in the vicinity of X-ray machines.

The proposed fee:

- is consistent with modern business practice and with similar initiatives in Ontario and other Canadian jurisdictions;
- would realign a cost that is currently borne by taxpayers, by transferring it to applicants/owners who will assume responsibility for the cost of the administrative activities conducted by the ministry in approving their X-ray machines; and,
- would reinforce the ministry's enforcement capacity, enabling further operational modernization and safeguarding patient and public safety.

Background

The approval process includes an evaluation of the schematic plan for the installation and of any supporting documents in order to ensure compliance with the requirements of Regulation 543 (the X-ray Safety Code).

A third-party vendor retained by the ministry, who is a member in good standing with the Professional Engineers of Ontario, evaluates applications in consultation with a medical physicist, and makes expert approval recommendations to the Director.


Subsection 3 (1) of the HARP Act requires the Director of X-Ray Safety's approval to install an X-ray machine. Clause 3 (2) (c) of the HARP Act requires that the fee established by the Minister be paid as part of the process to obtain approval to install and operate the machine.

A summary of the proposed regulation will be posted on August 14, 2015 in the "Current Proposals" section on the Government's Regulatory Registry website: <http://www.ontariocanada.com/registry/quickSearch.do?searchType=current>. Following the summary, you will find the sentence "Comment on this proposal via e-mail" at the bottom of the webpage. Clicking on this sentence will enable you to submit any comments that you may have on the proposed regulation.

The posting will be open for 45 calendar days, through September 28, 2015, to receive comments.

The ministry will greatly appreciate receiving any comments that you may have on the proposed regulation.

Sincerely,



Nancy Lytle
Director
Performance Improvement and Compliance Branch