



# ARIZONA DEPARTMENT OF HEALTH SERVICES

## LICENSING

### BUREAU OF RADIATION CONTROL

Assigned Regulatory Number if applicable: \_\_\_\_\_

**SUBJECT: NOTICE OF AUDIT AND BUSINESS REGULATORY BILL OF RIGHTS**

THIS NOTICE LISTS SOME OF THE RIGHTS YOU HAVE RELATED TO BEING AUDITED. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE QUESTIONS, PLEASE ASK THE AUDITOR OR THE BUREAU CHIEF, WHOSE TELEPHONE NUMBER IS LISTED IN THE FOOTER INFORMATION.

Representatives of this Department are auditing your facility today. The purpose for this audit is to determine whether your activities meet the applicable rules of the Department, Title 9, Chapter 7, of the Arizona Administrative Code. These rules were authorized by Arizona Revised Statutes (A.R.S.) §§ 30-651, 30-654(A)(2),(B)(2), (B)(5), (6), (7), (8), (9), (12), (13), 30-657, 30-672, and 32-2843(C);

#### 1. Large and Small Business Regulatory Bill of Rights:

A Department inspector, auditor or regulator who enters any premises of a regulated person for the purpose of conducting an inspection or audit shall, unless otherwise provided by law:

- I. Present photo identification on entry of the premises. (Each Department representative has a photo identification badge issued by the Arizona Department of Administration).
- II. On initiation of the inspection or audit, state the purpose of the inspection or audit and the legal authority for conducting the inspection or audit. (Arizona Revised Statutes § 30-681 authorizes this examination or inspection).
- III. Disclose any applicable inspection or audit fees. (NO additional fees will be charged for conducting this audit unless the audit was specifically requested by the licensee/registrant pursuant to R9-7-1308.)
- IV. Afford an opportunity to have an authorized on-site representative of the regulated person accompany the Department inspector, auditor or regulator on the premises, except during confidential interviews.
- V. Provide notice of the right to have on request:
  - (a) Copies of any original documents taken by the Department during the inspection or audit if the Department is permitted by law to take original documents.
  - (b) A split of any samples taken during the inspection if the split of any samples would not prohibit an analysis from being conducted or render an analysis inconclusive.
  - (c) Receive a split or duplicate of any sample collected by the auditor, if it is possible to do so without destroying the sample for analysis purposes. Receive a report of any analysis performed on samples taken during the examination.
  - (d) Receive copies of any registrant/licensee documents removed from the premises. In addition, copies of documents used to determine compliance such as test data sheets or other forms.
- VI. Inform each person whose conversation with the Department inspector, auditor or regulator during the inspection or audit is tape recorded that the conversation is being tape recorded.
- VII. Inform each person who is interviewed during the inspection or audit that:
  - Statements made by the person may be included in the inspection or audit report.
  - Participation in an interview is voluntary, unless the person is legally compelled to participate in the interview.
  - The person is allowed at least twenty-four hours to review and revise any written witness statement that is drafted by the Department inspector, auditor or regulator and on which the Department inspector, auditor or regulator requests the person's signature.
  - The inspector, auditor or regulator may not prohibit the regulated person from having an attorney or any other experts in their field present during the interview to represent or advise the regulated person.

Note: The workers have a right to have a representative accompany the auditor, point out possible violations and request confidential interviews in accordance with R9-7-1006 & Exhibit A (Form ARRA-6).

Should you have any questions related to this inspection; you should telephone Brian Goretzki, Bureau Chief at 602-255-4845, or email him at BG@azdhs.gov. A.R.S. § 41-1001.1 and 41-1009.

## 2.Regulatory Process:

### I.Except for emergency conditions, due process is as follows:

(a) Within 30 working days of completing this inspection, the Department will mail you either a compliance letter stating that no potential violations were identified or a Preliminary Findings letter which will detail the potential violations identified during the inspection. By responding to this letter within the time frame specified in the letter, you may be able to provide the Department sufficient information to determine that potential violation(s) are, in fact, not violation(s); or the corrective actions proposed by you are sufficient to waive the proposed civil penalties, if the violations were not repeated or of a severe nature.

(b) If the response to the Preliminary Findings letter substantiates that one or more of the violations occurred, the violation(s) is not severe and there were no repeat violations, a NOTICE OF VIOLATION letter, which states "No Response Required" will be issued. The letter will list the violations that the Director determined to be violations. You may then request a hearing if you wish to dispute the findings. A.R.S. § 30-687(D).

(c) If the response to the Preliminary Finding letter substantiates that one or more of the violations occurred and the violation(s) were repeated or severe, a NOTICE OF VIOLATION letter which may include a civil penalty order or an order to show cause will be issued. Within the time frame specified in the letter or order, you must respond indicating the corrective actions you have undertaken to prevent future violations or request a hearing. You may also request an informal conference with the Bureau Chief without losing your right to a hearing A.R.S. § 30-687. Pursuant to A.R.S. § 41-1001 you have the right to request a hearing pursuant to Title 23, Chapter 2 or 4 by an independent Administrative Law Judge.

IV.Contact the Bureau Chief for information relating to a possible appeal of a violation determination as indicated in the letterhead.

### II.For emergency conditions;

(a) You will receive an INITIAL ORDER directing certain actions, which must be obeyed. The order will specify that you are to respond within ten days either agreeing to continue to obey the order or requesting a hearing. You may also receive other correspondence with the order from the Department.

(b) If you request a hearing, it will be granted within ten days unless you waive this right. A.R.S. § 30-688

You will be informed of the date the examination is complete, if it is not completed on this date.

Citizens have a right to file a complaint about an administrative act of a state Department with the Office of the Ombudsman-Citizen's Aide at 7878 N 16th St, Suite 235, Phoenix, AZ 85020. You may also wish to contact their office by e-mail [ombuds@azoca.gov](mailto:ombuds@azoca.gov) or phone them at 602-277-7292 (or 1-800-873-2879 outside Phoenix metro area).

In all cases, after the Department has issued its final determination, either you or the Department may appeal to state courts as provided in Title 12, Chapter 7, Article 6, of the A.R.S.

The Department inspector, auditor or regulator may not take any adverse action, treat the regulated person less favorably or draw any inference as a result of the regulated person's decision to be represented by an attorney or advised by any other experts in their field.

The information and documents provided to the Department inspector, auditor or regulator will become a public record, the regulated person may redact trade secrets and proprietary and confidential information unless the information and documents are required pursuant to statute.

As required by A. R. S. § 41-1001.01 & 41-1009, we request that you sign here to indicate that you received a copy of this document and you are the authorized on-site representative of the regulated small business during business hours on the day of inspection. This signed document will be filed with the inspection report. The Department inspector, auditor or regulator may provide an electronic document of the writing prescribed in this notice and at the request of the regulated person or on-site representative, obtain a receipt in the form of an electronic signature.

\_\_\_\_\_  
Date: \_\_\_\_\_

The LICENSEE / REGISTRANT representative refused to sign this document. I certify that a copy of this document was provided to the LICENSEE / REGISTRANT representative who either refused to accept it or would not sign for receipt of it. This notice will be filed with the examination notes.



Operations	Rule	Yes	No	n/a
MRT certificates posted and current	603(B)(1)			
All operators <input type="checkbox"/> Licensed Practitioner and/or <input type="checkbox"/> MRT (check as appl.)	603(B)(1)			
Comments				
Records	Rule	Yes	No	n/a
Exposure Logs (name, exam, date, views/on-time/dose, operator)	607(D)(5)(6)			
↳ Individual holding/supporting animal (veterinary only)	613(B)(5)			
Cassette Cleaning Log (Film & CR)	603(D)(3) & 603(D)(9)			
Apron Integrity Check	604(A)(5)			
Comments				
Image Processing	Rule	Yes	No	n/a
<input type="checkbox"/> Digital <input type="checkbox"/> Computed Radiography <input type="checkbox"/> Film ( <input type="checkbox"/> Open Auto-Processor <input type="checkbox"/> Daylight Loader Auto-Processor <input type="checkbox"/> Dip Tank )				
Film non-expired	603(D)(8)			
Film cassettes have matching film and intensifying screen sensitivities	603(D)(4)			
Light tight darkroom	603(D)(1)			
Film protected from radiation and light	603(D)(2)			
Timer, thermometer, time-temperature chart available	603(D)(6)			
Comments				
<input type="checkbox"/> Dosimetry	Rule	Yes	No	n/a
Preventing deceptive exposures / individually assigned & worn	418(C)			
Annual total effective dose equivalent below 0.05 Sv (5 rem)	408(A)			
Read at least quarterly	418(B)(3)			
3 years of records	419(E)(1)(a)			
Badges worn during procedures	419(B)(...)			
1 <sup>st</sup> badge outside apron (neck), 2 <sup>nd</sup> badge under apron (waist)	419(D)(3)			
Embryo/Fetal badge assigned and worn	419(B)(5)			
Embryo/Fetal dose records & Pregnancy declaration	419(E)(3)(4)			
Embryo/Fetal dosimeter read monthly	415(B)			
All other dosimetry requirements satisfied				
Comments (ie. dosimetry company, reporting period dates, names and doses, etc...)				