STATE OF NEW HAMPSHIRE

OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Rulemaking Notice Form

Notice Number: 2026-176

Rule Number: He-P 4045

1. **Agency:** Department of Health and Human Services
   Former Division of Public Health Services

   Agency Address: Department of Health and Human Services
   Administrative Rules Unit
   Brown Building, 2nd Floor
   129 Pleasant St. Concord, NH 03301

2. **RSA Authority:** RSA 125-F:5, V

3. **Federal Authority:** 42 USC 2021(b)

4. **Action(s):** Repeal, Readopt w/Amendment

5. **Short Title:** Use of Radiation Machines: Administrative Requirements

6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

   • He-P 4045 describes the administrative and operational requirements for the use of radiation machines and magnetic resonance imaging (MRI) machines in the healing arts and veterinary medicine.

   • Amendments to He-P 4045 remove personal monitoring requirements for dental diagnostic imaging operators. Registrants without employees are now exempt from posting a notice to employees (He-P 4019.03(d)), posting the rules in He-P 4019 through He-P 4022 (He-P 4019.03(b)), and establishing written operating and safety procedures (He-P 4045.03(f)). Additionally, registrants who only operate MRI machines are exempt from the employee notice requirements (He-P 4019.03(d)) and He-P 4019 through He-P 4022 (He-P 4019.03(b)), as these rules do not apply to non-ionizing radiation protection. Clarification was also added regarding the required contents of human holder records. Finally, He-P 4045.10 is repealed because He-P 4043.13 was updated to include requirements for non-medical security screening systems.

Does this rule implement a state statute for the first time?

He-P 4045 does not implement a state statute for the first time.

6. **(b) Brief description of the groups affected:**

He-P 4045 affects any person who is an applicant for, or a holder of, a registration for the healing arts and veterinary x-ray machines.

6. **(c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:**

Rule	State Statute or Federal Regulation Implemented
He-P 4045.01	RSA 125-F:1, F:2, F:5, II & V
He-P 4045.02	RSA 125-F:1, F:2, F:5 II & V
He-P 4045.03	RSA 125-F:1, F:2, F:5, II & V
He-P 4045.04	RSA 125-F:1, F:2, F:5, II & V
He-P 4045.05	RSA 125-F:1, F:2, F:5, II & V; RSA 125-F:13; RSA 541-A:21, IV; 21 CFR 1002.10, 1002.11, 1002.12, 1002.13, 1002.30, 1020.31, 1020.32, & 1020.40
He-P 4045.06	RSA 125-F:1, F:2, F:5, II & V
He-P 4045.07	RSA 125-F:1, F:2, F:5, II & V
He-P 4045.08	RSA 125-F:1, F: 2, F:5, II & V
He-P 4045.09	RSA 125-F:1, F:2, F:5, II & V

7. **Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Nicole Valanzola	**Title:** Rules Coordinator
Address: Department of Health and Human Services Administrative Rules Unit Brown Building, 2nd Floor 129 Pleasant St. Concord, NH 03301	**Phone Number:** (603) 271-9640
	FAX Number: (603) 271-5590
	Email: Nicole.Valanzola@dhhs.nh.gov

8. **Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:**

Thursday, October 22, 2026

X **Fax**
X **Email**
_ **Other**

9. **Public hearing scheduled for:**
   Date: Thursday, October 15, 2026
   Time: 1:30 PM
   Place: Department of Health and Human Services
   Brown Building, Auditorium
   129 Pleasant St.
   Concord, NH 03301

   Electronic Access, if applicable: N/A

10. **Fiscal Impact Statement (Prepared by Legislative Budget Assistant):**

    FIS #: 26:176, dated: Thursday, September 3, 2026

    1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

    There is no difference in cost when comparing the proposed rules to the existing rules. Not applicable to He-P 4045.10, which is being repealed.

    2. Cite the Federal mandate. Identify the impact on state funds:

    No federal mandate, no impact on state funds.

    3. Cost and benefits of the proposed rule(s):

    A. To State general or State special funds:

    None.

    B. To state citizens and political subdivisions:

    None.

    C. To independently owned businesses:

    None.

11. **Statement Relative to Part I, Article 28-a of the N.H. Constitution:**

    The proposed rule does not modify an existing program or responsibility, and does not mandate any fees, duties, or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.