

136C.3 Duties of department.

The department is designated the state radiation control agency and is responsible for regulating the installation and use of radiation machines and the use of radioactive materials in this state as provided in [this chapter](#). The department shall:

1. Establish minimum criteria and safety standards for the installation, operation, and use of radiation machines and radioactive materials.

2. Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathic medicine, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or licensure as a physician assistant pursuant to [chapter 148C](#), or certification by the dental board in dental radiography, or by the board of podiatry in podiatric radiography, or enrollment in a program or course of study approved by the Iowa department of public health which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

3. Develop programs for evaluation and control of hazards associated with the use of sources of radiation with due regard for compatibility of a proposed program with federal programs regulating byproduct, source, and special nuclear materials and considering consistency of a proposed program with federal programs for regulation of radiation machines.

4. Adopt, publish, and amend rules in accordance with [chapter 17A](#) as necessary for the implementation and enforcement of [this chapter](#). The rules may provide for the licensing and control of radioactive materials with due regard for compatibility with federal regulatory programs.

5. Issue orders as necessary in connection with licensing and registration of radiation machines and radioactive materials and the operators or users thereof.

6. Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and other organizations concerned with control of sources of radiation.

7. Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of radiation.

8. Collect and disseminate information relating to control of sources of radiation. The department shall maintain the following information on file:

a. License applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations.

b. A list of persons possessing sources of radiation requiring registration under [this chapter](#) and any administrative or judicial action involving each person.

c. Departmental rules relating to regulation of sources of radiation, existing or pending, and related actions.

9. Adopt rules requiring the keeping of such records with respect to activities under licenses and registration certificates issued pursuant to [this chapter](#) as the department determines necessary to effect the purposes of [this chapter](#).

10. a. Adopt rules specifying the minimum training and performance standards for an individual using a radiation machine for mammography, and other rules necessary to implement [section 136C.15](#). The rules shall complement federal requirements applicable to similar radiation machinery and shall not be less stringent than those federal requirements.

b. (1) Adopt rules, in collaboration with appropriate stakeholders, to require that, by January 1, 2018, a facility at which mammography services are performed shall include information on breast density in mammogram reports sent to all mammography patients, pursuant to regulations implementing the federal Mammography Quality Standards Act of 1992, Pub. L. No. 102-539, as amended. The mammogram report shall include information on a patient's breast density, as categorized by an interpreting physician at the facility based on standards as defined in nationally recognized guidelines or systems for breast imaging reporting of mammography screening, including the breast imaging reporting and data system of the American college of radiology. For patients categorized as having heterogeneously dense breasts or extremely dense breasts, or an equivalent determination

by another nationally recognized density gradient system, the report to the patient shall include evidence-based information on dense breast tissue, the increased risk associated with dense breast tissue, and the effects of dense breast tissue on screening mammography.

(2) Nothing in this paragraph “b” shall be construed to modify the existing liability of a facility where mammography services are performed beyond the duty to provide the information set forth in this paragraph “b”. Notwithstanding any other provision of law to the contrary, this paragraph “b” shall not create a cause of action or create a standard of care, obligation, or duty that provides grounds for a cause of action.

(3) Nothing in this paragraph “b” shall be deemed to require a notice or the provision of information that is inconsistent with the provisions of the federal Mammography Quality Standards Act of 1992, Pub. L. No. 102-539, as amended, or any regulations promulgated pursuant to that Act.

[C79, 81, §136C.3]

84 Acts, ch 1286, §1; 86 Acts, ch 1217, §1; 88 Acts, ch 1225, §1; 90 Acts, ch 1233, §6; 92 Acts, ch 1054, §1; 92 Acts, ch 1163, §36; 99 Acts, ch 141, §12; 2007 Acts, ch 10, §23; 2007 Acts, ch 218, §195; 2009 Acts, ch 133, §38; 2010 Acts, ch 1031, §397; 2012 Acts, ch 1113, §25; 2017 Acts, ch 61, §1, 2

Referred to in §136C.5, §136C.10
Subsection 10 amended