



**New York City Department of Health and Mental Hygiene
Notice of Public Hearing and
Opportunity to Comment on Proposed Rules**

What are we proposing? The New York City Department of Health and Mental Hygiene (“NYC Health Department” or “Department”) is proposing to amend Chapter 7 (*Adjudicatory Hearings and Violation Fines and Penalties*) of Title 24 of the Rules of the City of New York (“RCNY”) to provide a penalty schedule for certain violations of: (a) New York City Health Code (“Health Code”) Articles 141 (*Water Supply Safety Standards*), 143 (*Disposal of Sewage*), 161 (*Animals*), 165 (*Bathing Establishments*), 167 (*Bathing Beaches*), 175 (*Radiation Control*) and 177 (*Tanning Facilities*); (b) Subchapter 3 (*Rental Horse Licensing and Protection Law*) of Chapter 3 (*Licenses and Permits*) of Title 17 of the New York City Administrative Code (“Administrative Code”); and (c) Chapter 4 (*Health, Safety and Well-being of Rental Horses*) of Title 24 of the RCNY.

When and where is the hearing? The NYC Health Department will hold a public hearing on the proposed rules. The public hearing will take place from 10 a.m. to 12 p.m. on March 10, 2025. The hearing will be conducted by video conference accessible via internet or telephone.

- **Internet.** To participate in the public hearing, please register at this Webex URL: <https://nycdohmh.webex.com/nycdohmh/j.php?MTID=m0cb1d501d92ff0399ef36a94a76ec058>
If prompted to provide an event number or password, please enter the following:
Event number: **2348 831 6692**
Password: **apEhN3m5vp2** (27346365 when dialing from a phone or video system)
- **Phone:** For access, dial: (646) 992-2010 or (408) 418-9388 then please enter the following:
Access code: **234 883 16692**

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the NYC Health Department through the NYC rules website, at <http://rules.cityofnewyork.us>
- **Email.** You can email comments to resolutioncomments@health.nyc.gov
- **Mail.** You can mail comments to the NYC Health Department at:
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, 14th floor, CN30
Long Island City, NY 11101-4132
Attn: Svetlana Burdeynik
- **Fax.** You can fax written comments to NYC Health Department at (347) 396-6087.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling the Secretary to the Department at (347) 396-6078 or (347) 396-6116. You can also sign up when you join the hearing on March 10, 2025. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? Yes, you must submit written comments by 5 p.m. on March 10, 2025.

What if I need assistance to participate in the hearing? You must tell the NYC Health Department if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (347) 396-6078 by February 24, 2025.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Within a reasonable time after the hearing, all written comments and a summary of oral comments rule received from the public or any agency shall be made available on request to the public.

What authorizes the NYC Health Department to make this rule? Sections 556 and 1043 of the New York City Charter (“Charter”), as well as Administrative Code section 17-133 and Health Code section 3.11, authorize the NYC Health Department to make these proposed rules.

Where can I find the NYC Health Department’s rules? The NYC Health Department’s rules are in Title 24 of the RCNY.

What laws govern the rulemaking process? The NYC Health Department must meet the requirements of section 1043 of the Charter when creating or changing rules. This notice is made according to the requirements of section 1043(b) of the Charter.

Statement of Basis and Purpose of Rule

The NYC Health Department is proposing to amend the Penalty Schedule of Appendix 7-A of Chapter 7 of Title 24 of the RCNY to provide a penalty schedule for certain violations enforced by the NYC Health Department in order to provide fixed, consistent civil penalties. The assessment of penalties for violations without a fixed penalty is determined at the Office of Administrative Trials and Hearings when the violation is sustained. These violations correspond to provisions in: (i) Health Code Articles 141 (*Water Supply Safety Standards*), 143 (*Disposal of Sewage*), 161 (*Animals*), 165 (*Bathing Establishments*), 167 (*Bathing Beaches*), 175 (*Radiation Control*) and 177 (*Tanning Facilities*); (ii) Subchapter 3 (*Rental Horse Licensing and Protection Law*) of Chapter 3 (*Licenses and Permits*) of Title 17 of the New York City Administrative Code; and (iii) Chapter 4 (*Health, Safety and Well-being of Rental Horses*) of Title 24 of the RCNY.

The proposed amendments also add a new section 7-12 that fixes the penalty at \$250 (which is doubled if respondent defaults) for violations of Articles 141, 143, 161, 165, 167, 175 and 177 that are not listed in Appendix 7-A.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of the Department, unless otherwise specified or unless the context clearly indicates otherwise.

The proposal is as follows:

Deleted material is in [brackets].

New text is underlined.

Section 1. Chapter 7 of Title 24 of the Rules of the City of New York is proposed to be amended to add a new section 7-12 to read as follows:

§7-12 Fines for violations of New York City Health Code Articles 141, 143, 161, 165, 167, 175 and 177 not listed in Appendix 7-A.

The penalty for a violation of any provision of New York City Health Code Article 141 (*Water Supply Safety Standards*), Article 143 (*Disposal of Sewage*), Article 161 (*Animals*), Article 165 (*Bathing Establishments*), Article 167 (*Bathing Beaches*), Article 175 (*Radiation Control*), or Article 177 (*Tanning*

Facilities) that is not listed in Appendix 7-A of this Chapter is \$250. The penalty will be doubled to \$500 if the respondent fails to appear to answer a summons and is found in default.

§ 2. Appendix 7-A to Chapter 7 of Title 24 of the Rules of the City of New York is proposed to be amended by adding the following rows in numerical order by section of law number, to read as follows:

Appendix 7-A: Penalty Schedule.

Section of Law	Violation Description	Standard Penalty	Default Penalty
<u>NYCHC § 141.17(a)</u>	<u>Operating, installing, drilling, or replacing a water well or any well pumping equipment for water supply purposes without a permit</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 141.17(b)(1)</u>	<u>Potable water well does not meet bacteriological, chemical or physical water quality standards</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 141.17(b)(2)</u>	<u>Non-potable well water does not meet microbiological or other pollutant standards</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 141.17(c)</u>	<u>Constructing or operating a water well without construction authorization and approval by the Department</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 141.17(d)</u>	<u>Well construction, abandonment, or operation not in accordance with the State Sanitary Code or applicable industry standards</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 141.17(d)</u>	<u>Well water used for purposes other than that approved on permit</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 141.17(d)</u>	<u>The well water system is not free from cross connections</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 141.17(e)</u>	<u>Well drilled, constructed, or abandoned by persons not registered with the New York State Department of Environmental Conservation pursuant to New York State Environmental Conservation Law</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 141.17(g)</u>	<u>Failure to notify the Department when water well is sealed or closed</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 141.17(g)</u>	<u>Decommissioned or abandoned groundwater well not properly sealed or closed</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 141.17(h)</u>	<u>Permittee of a potable well has not completed acceptable water quality testing by a State certified laboratory</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 141.17(h)</u>	<u>Potable water well requiring treatment does not have a treatment plan approved by the Department</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 143.11(a)</u>	<u>Individual private sewage disposal systems constructed in subdivision realty developments involving 15 or more dwellings without approval by the Department</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 143.11(b)</u>	<u>Community private sewage disposal system constructed and/or maintained without a permit issued by the Commissioner</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 143.11(c)</u>	<u>Application for a permit to construct and maintain a community private sewage disposal system submitted by unauthorized person</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 143.11(d)</u>	<u>Plans for construction and maintenance of community private sewage disposal system not submitted in the required format and/or not submitted by qualified professional engineer or licensed architect</u>	<u>\$500</u>	<u>\$1,000</u>

NYCHC § 143.11(e)	<u>Community private sewage disposal system construction under a revoked application approval or more than a year after application approval</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 143.11(f)	<u>Community private sewage disposal system constructed not in accordance with approved plans and specifications and/or the Building Code of the City of New York</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 143.15	<u>Privy constructed not in accordance with the authorized use designated by the Department</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 143.15	<u>Privy poses a nuisance or public health hazard by polluting potable water sources or discharging sewage on ground level</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 143.15	<u>Privy is not protected against rodents, insects, and other pests and/or is not covered and protected from the outside air</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 143.15	<u>Privy not properly cleansed and filled when taken out of service such that it causes a nuisance or public health hazard</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC 161.06	<u>Dogs or cats not vaccinated or treated prior to change in ownership</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC 161.15(a)	<u>Animal handling/care activity in residential/dwelling unit</u>	<u>[\$200] \$1,000</u>	<u>[\$400] \$2,000</u>
NYCHC § 161.23(a)	<u>Shelter released dog or cat without required sterilization</u>	<u>\$500</u>	<u>\$500</u>
NYCHC § 165.05	<u>Operating a bathing establishment without a valid permit</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 165.05	<u>Construction, addition or alteration to pool not approved</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 165.11(b)(1)(F)	<u>Unprotected electrical circuits/wiring visible within 10 feet of the pool</u>	<u>\$750</u>	<u>\$1,500</u>
NYCHC § 165.11(b)(1)(O)	<u>Overcrowding of operation unit observed, resulting in poor bather supervision</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 165.11(b)(1)(S)	<u>Any other condition determined by the Department to be dangerous to life or health</u>	<u>\$750</u>	<u>\$1,500</u>
NYCHC § 165.11(b)(3)(F)	<u>Unprotected electrical circuits/wiring visible within 10 feet of the spray pad</u>	<u>\$750</u>	<u>\$1,500</u>
NYCHC § 165.11(b)(3)(M)	<u>Any other condition determined by the Department to be dangerous to life or health</u>	<u>\$750</u>	<u>\$1,500</u>
NYCHC § 165.15(b)(1)	<u>Valid Pool Operator Certificate not provided</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 165.15(b)(2)	<u>Qualified aquatic supervisory staff not provided</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 165.15(c)	<u>Direct supervision of bathers not provided; adequate number of aquatic supervisory staff not on duty</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 165.17(a)	<u>Lifesaving equipment not present at pool deck</u>	<u>\$750</u>	<u>\$1,500</u>
NYCHC § 165.17(a)	<u>Lifesaving equipment inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
	<u>Elevated lifeguard chairs not meeting necessary requirements</u>	<u>\$500</u>	<u>\$1,000</u>

<u>NYCHC § 165.17(c)</u>	<u>Emergency phone and contacts not immediately accessible within 300 feet unimpeded distance of the pool water</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.19</u>	<u>Pool Safety Plan not developed, implemented, or kept updated</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.21(i)</u>	<u>Minimum required water depth of 8 feet is not met where diving is allowed</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.23(a)</u>	<u>Minimum disinfectant residual levels not maintained or disinfectant residuals in exceedance</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 165.23(a)</u>	<u>Chemicals or methods of application not approved</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.23(a)(2)</u>	<u>Spa pool not superchlorinated adequately</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.23(c)</u>	<u>Test kits or testing are inadequate or not provided</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.25(b)(1)</u>	<u>Pool bottom or main drain grate not visible</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.25(c)</u>	<u>Inadequate physical water quality; pool sides not free of sediment or soil, visible floating matter observed on pool water surface and/or spray pad treatment tank water surface</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.25(d)</u>	<u>Water bacteriological sample results are in exceedance</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.27(a)(1)</u>	<u>Pool bottom or sides not clean, water surface not free from foreign matter</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.27(a)(5)</u>	<u>Deck obstructed; not clean; standing water present</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.27(a)(6)</u>	<u>Spa pool not cleaned adequately</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.27(a)(7)</u>	<u>Glass or sharp objects observed in pool or on deck area</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.27(a)(10)</u>	<u>Safety ropes not observed to be kept in place when pool is not being used exclusively for lap swimming or competition</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.27(a)(11)</u>	<u>Use of starting blocks not restricted to competitive swimming or training activities</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.27(a)(14)</u>	<u>Antisiphonage devices not provided where required on pool deck</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.27(a)(15)</u>	<u>Minimum water depth and/or clearances not met for where diving boards are present</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.27(g)</u>	<u>Protocol for out of service pools inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.27(h)</u>	<u>Sauna room not in a sanitary condition</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.29(b)</u>	<u>Chemical feed equipment not properly maintained</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.29(b)</u>	<u>Filtration and disinfection equipment not continuously operated</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.29(c)</u>	<u>Pool inlets do not provide adequate circulation</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.29(d)</u>	<u>Main drain grate not securely in place, in disrepair, or otherwise inadequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 165.29(g)</u>	<u>Pool water level not maintained at level that allows for effective surface skimming; overflow system or skimmers inadequate; weirs, valves, baskets not maintained</u>	<u>\$500</u>	<u>\$1,000</u>

<u>NYCHC § 165.29(i)</u>	<u>Flow meters not installed or maintained</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.29(k)(2)</u>	<u>Portable electrical devices within reach of bathers</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.29(k)(5)</u>	<u>Lighting not provided or inadequate where night swimming is permitted</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.31(a)</u>	<u>Chemicals improperly labeled, stored or handled</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.41(k)</u>	<u>Continuous deck not provided</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.41(l)</u>	<u>Pool fencing, self-closing or self-latching gates or doors not properly installed or maintained</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.41(l)</u>	<u>Adequate pool enclosure not provided</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.41(o)</u>	<u>Depth markings are deficient, or inaccurate or not present</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.41(o)(3)</u>	<u>Safety lines are inadequate or not provided</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.41(q)</u>	<u>Deck slides not labeled to indicate compliance with the safety requirements</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.41(q)</u>	<u>Minimum water depth and/or clearances not met for deck slides</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.41(s)</u>	<u>Minimum water depth and/or clearances not met for starting blocks</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.41(s)</u>	<u>The required water depth of 6 feet is not provided where starting blocks are present</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.41(t)</u>	<u>Equipment or appurtenances not maintained; ladders, steps not provided; structural defects</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.41(w)</u>	<u>Pool with a surface area over 4,000 square feet does not have a readily accessible first aid room</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.42(c)</u>	<u>Spray ground sewage system inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.42(c)(4)</u>	<u>Gratings covering the spray ground drain not the right size or not installed properly</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 165.42(d)(5)</u>	<u>Anti-siphonage devices not provided where required at spray ground</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.42(g)</u>	<u>Spray ground enclosure not provided or inadequate</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.42(g)</u>	<u>Spray ground fencing, self-closing or self-latching gates or doors not properly installed or maintained</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.43(a)</u>	<u>Adequate potable water supply not provided</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.43(a)(2)</u>	<u>Facility is not free from cross-connections between potable water supply and swimming pool water or between sewage system and filter backwash systems</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 165.43(b)</u>	<u>Pool sewage system inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.45(a)</u>	<u>Turnover rate inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.45(b)</u>	<u>Appropriate enclosure or room not provided for equipment and chemicals</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.45(b)</u>	<u>Inadequate space, clearance and storage provided for the water treatment equipment; schematics not provided for the water treatment</u>	<u>\$500</u>	<u>\$1,000</u>

	<u>system</u>		
<u>NYCHC § 165.45(i)</u>	<u>Filters improperly operated or maintained</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.45(l)(7)</u>	<u>Gas chlorinator improperly housed, ventilated, safety equipment not provided</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.45(l)(9)</u>	<u>Spray ground UV disinfection inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.45(p)</u>	<u>Spray ground treatment tank inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.45(p)(9)</u>	<u>Spray ground disinfection and chemical feeders inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.47(a)</u>	<u>20' overhead clearance between pool and electrical wires not provided</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.47(a)</u>	<u>Emergency lighting is not provided or not adequate</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.47(a)</u>	<u>Lighting conditions inadequate, surface glare and reflection not prevented</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.53(g)</u>	<u>Spa alarm system not provided, inoperable, or not operating in correct range</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 165.53(g)</u>	<u>Spa manual timer not provided for agitation pump</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 165.53(g)</u>	<u>Spa pool water temperature exceeds 104° F (40° C)</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.53(h)</u>	<u>Spa emergency switch not provided or not functional</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 165.55</u>	<u>Physical therapy pool improperly operated or not maintained</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.57</u>	<u>Moveable bottom pool improperly operated or not maintained</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.59</u>	<u>White water slide improperly operated or not maintained</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.61</u>	<u>Wave pool improperly operated or not maintained</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 165.63(a)</u>	<u>Sauna temperature exceeds 194°F (90°C)</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.63(a)</u>	<u>Steam temperature exceeds 120°F (49°C)</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.63(b)</u>	<u>Sauna or steam room door not free swinging or does not swing out</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.63(b)</u>	<u>Sauna or steam room viewing window not provided</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.63(c)</u>	<u>Sauna or steam room monitoring not provided or not adequate</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 165.63(e)</u>	<u>Sauna or steam room alarm not provided or not adequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 165.63(e)</u>	<u>Sauna or steam room alarm system not tamper-proof</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.05(a)</u>	<u>Operating a bathing beach without a permit</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 167.05(c)</u>	<u>Operating a bathing beach with an expired permit</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 167.09(a)</u>	<u>Operating when ordered closed by the Department</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.09(a)(13)</u>	<u>Any other condition determined to be a Public Health Hazard by the department (e.g. sewage/wastewater, medical waste, petroleum or other hazardous materials in beach area)</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 167.19(a)</u>	<u>Failure to provide adequate number of lifeguard(s) or level of supervision</u>	<u>\$1,000</u>	<u>\$2,000</u>

<u>NYCHC § 167.19(a)(4)</u>	<u>Failure to post signs indicating "No Lifeguard on Duty - Swimming and Bathing Prohibited" at every entrance when lifeguard not on duty</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 167.19(c)(1)</u>	<u>Failure to provide required qualifications and certificates</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.21(a)(1)</u>	<u>1 Rescue tube, torpedo buoy, or pocket mask for each active lifeguard not available or accessible</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.21(a)(2)</u>	<u>Rescue Board or boat not provided and/or not located as identified in the approved Beach Safety Plan</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.21(a)(3)</u>	<u>Spine board not provided and/or not located as identified in the approved Beach Safety Plan</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.21(a)(4)</u>	<u>First Aid Kit not provided and/or not located as identified in the approved Beach Safety Plan</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.21(c)(1)</u>	<u>Lifeguard chairs not located as indicated on the approved Beach Safety Plan</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.21(c)(2)</u>	<u>Each lifeguard chair not provided with a whistle or megaphone and an umbrella or sunshade</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.21(d)</u>	<u>Emergency contact list and/or radio/telephone not available</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.21(e)</u>	<u>Emergency care/first aid room not provided (applies only to beaches able to accommodate 500 bathers)</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.21(e)</u>	<u>Emergency care/first aid room inadequate (applies only to beaches able to accommodate 500 bathers)</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.23(a)</u>	<u>Beach Safety Plan not approved by the Department</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.27(a)(1)</u>	<u>Wet weather advisory information sign is not conspicuously posted at the facility at all times</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.27(b)(1)</u>	<u>Failure to post Closure signs when beach is closed</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.29(b)(3)</u>	<u>Failure to post Pollution Advisory signs when required</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.37(d)(2)</u>	<u>Observed diving in areas which do not meet the minimum required water depths</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.37(e)</u>	<u>Failure to provide the required depth markers</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.37(e)</u>	<u>Failure to provide the required safety lines</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.37(f)(1)</u>	<u>Failure to post "No Diving" signs at all diving boards, platforms, piers, floats etc. in any area where the water depth is less than 8 feet</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.37(f)(2)(A)</u>	<u>Failure to post signs indicating the maximum number of persons permitted on the beach at any time</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.37(f)(2)(B)</u>	<u>Failure to post signs indicating hours of operation for bathing</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 167.37(f)(2)(C)</u>	<u>Failure to post "No Swimming or Bathing" signs adjacent to, approved swimming areas</u>	<u>\$750</u>	<u>\$1,500</u>

<u>NYCHC § 167.37(g)(2)</u>	<u>Presence of electric devices or wiring within 20 ft of water or high-tide level</u>	<u>\$750</u>	<u>\$1,500</u>
<u>NYCHC § 175.03(b)</u>	<u>Failure to report radiation illness or injury</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.03(c) – (e)</u>	<u>Unauthorized person directed, applied or supervised the application of radiation to a human being</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.03(f)</u>	<u>Failure to comply with requirements of radiologic technologist licensure established by NYS DOH</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.04(a)</u>	<u>Use of prohibited radiation producing equipment</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.04(b)</u>	<u>Engagement in activity prohibited by New York City Health Code</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.04(c)</u>	<u>Use of portable or mobile x-ray unit for routine clinical x-ray exams</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.07(a)</u>	<u>Possession or use of radioactive materials did not comply with license condition</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.09(a)(1)</u>	<u>Failure to develop an adequate radiation protection program</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.09(a)(3)</u>	<u>Failure to provide notification of medical event in accordance with §§175.27 through 175.30</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.09(b)</u>	<u>Failure to implement procedures and engineering controls to achieve occupational doses and doses to the public that are ALARA</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.09(c)</u>	<u>Failure to provide a radiation safety officer pursuant to §175.12</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.09(d)</u>	<u>Quality assurance program not implemented</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.09(e)</u>	<u>Medical center, hospital or university failed to provide for a radiation safety committee or radiation safety committee inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.09(f)</u>	<u>Failure to ensure that radiation equipment is used only for procedures for which it is designed by individuals licensed and qualified to operate</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.09(g)</u>	<u>Failure to perform acceptance testing by an individual competent to perform such testing prior to human use</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.09(h)</u>	<u>Failure to review radiation protection program at least every 12 months</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.10(a),(b)</u>	<u>Radiation safety officer lacks credentials or experience, or does not demonstrate competency in required areas</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.10(c),(d)</u>	<u>Radiation safety officer is not properly certified or is not a professional practitioner within an applicable scope of professional practice</u>	<u>\$500</u>	<u>\$1,000</u>

<u>NYCHC § 175.10(e)</u>	<u>Radiation safety officer lacks credentials for non-human use radiation</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.11(d)</u>	<u>Failure to make radiation dose information available to workers</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.11(e) - (g)</u>	<u>Failure to provide Department access to equipment for inspection; Failure to provide Department consultation with individuals during inspection; Failure to maintain worker conduct during an inspection; Discharge or discrimination of employee as a result of making a complaint</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.12(b)(1)</u>	<u>Quality assurance manual does not exist or is not adequate or is not adequately followed at this facility</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.12(b)(2)</u>	<u>Failure to maintain written records documenting QA and audit activities since previous inspection</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.12(b)(4)</u>	<u>Failure of hospital to conduct oversight of quality assurance program by medical physicist; Inadequate oversight of quality assurance program</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.12(b)(5)(6)</u>	<u>Failure to establish neonatal QA program; neonatal QA program inadequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.12(c) - (e)</u>	<u>X-ray film processing facilities are inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.12(f)</u>	<u>Failure to establish quality assurance procedures for CR or DDR</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.12(g)</u>	<u>Excepting dental, podiatric, veterinary, bone densitometer and mammography facilities: Failure to implement quality assurance program for primary diagnostic monitor; Quality assurance program for primary diagnostic monitor is inadequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.13(a)</u>	<u>Failure to control occupational dose to individual adults</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.13(b)</u>	<u>Failure to properly determine the occupational dose to individual adults</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.13(c),(d)</u>	<u>Failure to reduce the dose that an individual may be allowed in the current year commensurate with the dose received while employed elsewhere</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.14(a),(b)</u>	<u>Failure to control dose to members of the public</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.15(a),(b)</u>	<u>Failure to conduct surveys of radiation levels in unrestricted areas; Failure to show by measurement or calculation that the total effective dose to an individual likely to receive the highest dose does not exceed the annual dose limit</u>	<u>\$500</u>	<u>\$1,000</u>

<u>NYCHC § 175.16(a)</u>	<u>Failure to calibrate equipment used for quantitative radiation measurements within 12 months, or more frequently where specified in this code</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.16(b)</u>	<u>Dosimetry processor lacks required credentials</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.16(c)</u>	<u>Failure to ensure that adequate precautions were taken to prevent a deceptive exposure of an individual monitoring device</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.16(d)</u>	<u>Removal of an exposure from an individual's exposure record without prior authorization from the Department</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.16</u>	<u>Failure to conduct a radiation protection survey</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.17(b)</u>	<u>Failure to monitor occupational exposure to radiation sources; Failure to supply and require the use of individual monitoring devices</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.18(a) - (d)</u>	<u>Failure to ensure proper positioning and use of individual monitoring devices</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.20(a),(b)</u>	<u>Failure to maintain records of the radiation protection program until the Department terminates the registration or certified registration requiring the record</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.21(a-f)</u>	<u>Failure to determine the occupational radiation dose received during the current year for an individual who is likely to receive an occupational dose requiring monitoring pursuant to §175.17; Failure to request in writing the records of cumulative occupational radiation dose</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.22(a-e)</u>	<u>Failure to maintain adequate records of dose for individuals for whom monitoring is required</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.23(a),(b)</u>	<u>Failure to maintain records sufficient to demonstrate compliance with dose limit for individual members of the public; Failure to retain records until registration is terminated by the Department</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.24(a)-(c)</u>	<u>Failure to maintain legible, authenticated dose records in acceptable format; Failure to provide adequate safeguards against loss</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.25(a-f)</u>	<u>Failure to immediately report an event that may have caused or threatens to cause a dose of radiation to an individual exceeding limits; Failure to report within 24 hours the loss of control of a registered source that may have caused or threatens to cause a dose of radiation to an individual exceeding limits</u>	<u>\$1,000</u>	<u>\$2,000</u>

NYCHC § 175.26(a),(b)	<u>Failure to provide a copy of a report of an event made to the Department involving a dose or threatened dose of radiation to the individual who received the dose; Failure to comply with Department order to make available to individual appropriate medical evaluation services or appropriate tests and to furnish to the Department a copy of the reports</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.40(a) – (c)	<u>Failure to obtain a current certificate of registration prior to establishing, maintaining or operating any radiation installation with any radiation equipment in operable condition; failure to obtain a current certificate of registration prior to installing radiation equipment which is intended to be used; Application of x-rays to diagnose or treat a medical condition without a valid, non-expired certificate of registration</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.40(g)	<u>Dental, podiatric or veterinary facility failed to apply for a new certificate of registration prior to beginning facility operation; Facility commenced diagnostic clinical examinations without current registration or approval of the Department</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.40(h)	<u>Failure to apply for renewal of certificate of registration at least 30 days prior to expiration of registration</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.42(a)-(c)	<u>Operator’s protection survey not available or adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.44(a)	<u>Technical report is not signed as required by qualified medical physicist (or CRESO in case of reports prepared by CRESO)</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.46(a)	<u>Stationary radiographic system does not have the x-ray control, including the exposure switch, permanently mounted in a protected area so that the operator must remain in that protected area during the entire exposure</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.46(d)	<u>Radiation equipment installation does not comply with space requirements of 175.46(d) of Article 175</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.46(e)	<u>Radiation equipment installation does not comply with structural requirements</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.46(f)	<u>Radiation exposure control placement does not comply with the requirements of section 175.46(f) of Article 175</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.46(g)	<u>The viewing system for the control booth does not comply with the requirements of section 175.46(g) of Article 175</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.46(h)	<u>Location of exposure switch on mobile equipment is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.46(i)	<u>The control console for mammographic equipment does not meet the requirements of section 175.46(i) of Article 175</u>	<u>\$500</u>	<u>\$1,000</u>

NYCHC § 175.46(j)	<u>Facility does not have a written policy and procedure in the quality assurance manual that conforms to the manufacturer’s recommended care and use policy for lead protective garments; policy is not adhered to on a continual basis; protective garments not checked annually for defects as required; Protective garment not removed from service upon finding of defect</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.46(k)	<u>Radiation exposure control system is inadequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.46(l)	<u>X-ray system used for veterinary work not provided with a 2-meter high protective barrier for operator protection, or allow the operator to be at least 2 meters from the tube housing assembly; when animals are held, operator and ancillary personnel not protected by 0.25 mm lead equivalent from scatter radiation and 0.5 mm from the useful beam</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.47(a)	<u>X-ray equipment not installed and used in accordance with the equipment manufacturer’s specifications or other specification (allowed by this subdivision)</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.47(c)-(f)	<u>Failure to have a written radiation safety program as part of the radiation QA program; radiation safety program is inadequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.47(g)	<u>Individuals operating the x-ray systems do not meet licensure, training and experience qualifications required by the Department</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.47(h),(i)	<u>Failure to provide a sufficient number of protective apparel and shields; Failure to use auxiliary equipment designed to minimize patient and personnel exposure commensurate with the needed diagnostic information</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.47(j)	<u>X-ray tube housing or collimating device is held during an exposure</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.47(k)	<u>Useful x-ray beam not limited to area of clinical interest</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.47(l)	<u>Entrance Skin Exposure (ESE) not determined for all clinical techniques set; Technique chart is deficient or inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.47(m)	<u>Facility does not have a documented procedure in place for verification of patient identity and exam to be performed</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.47(n)-(p)	<u>Failure to develop or implement written safety procedures as required by section 175.47(n) of Article 175</u>	<u>\$500</u>	<u>\$1,000</u>

NYCHC § 175.47(q)	<u>Failure to maintain an x-ray patient log book; Inadequate or deficient x-ray patient log book; Failure to report adverse effects of injected contrast agents to NY State Department of Health</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.47(r)	<u>Use of x-ray unit sealed by the Department for clinical exam without the approval of the Department</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.47(t)(1)	<u>Control panel does not indicate the settings</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.47(t)(2)	<u>Control panel technique factors not visible from operator's position</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.47(t)(3)	<u>Technique factors for the x-ray unit exceed tolerance</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.47(u)	<u>HVL exceeds limits (values shown in Table 1 of section 175.47, NYC Health Code)</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.47(v)	<u>Visual means not provided on control panel to indicate whether the battery is in a state of charge adequate for proper operation</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.47(w)	<u>Facility modified diagnostic x-ray components and systems certified in accordance with 21 CFR Part 1020 modified with non-certified components</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.47(x)	<u>Multiple tube x-ray having one exposure switch lacks proper controls or display</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.47(y) – (aa)	<u>X-ray unit is not maintained in good repair</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.48(a)	<u>Failure to perform acceptance testing prior to clinical patient exams; Failure to correct non-compliant acceptance testing issues prior to clinical use; Acceptance testing does not comply with standards of this subdivision</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.48(b)(1)	<u>Adequate means to terminate x-ray exposure are not provided</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.48(b)(2)	<u>Automatic exposure control mechanism does not comply with standards of this subdivision</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.48(c)	<u>Exposure reproducibility exceeds the standard of this subsection</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.48(d)	<u>Exposure failed the standard for linearity</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.48(e)	<u>Radiographic x-ray system does not comply with the field limitation and alignment requirements</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.48(f)	<u>Stationary general purpose radiographic x-ray system does not comply with the field limitation and alignment requirements of 175.48(f) of Article 175</u>	<u>\$500</u>	<u>\$1,000</u>

<u>NYCHC § 175.48(g)(1)</u>	<u>Radiographic equipment designed for only one image receptor size at a fixed SID is not provided with means to limit the field at the plane of the image receptor to dimensions no greater than those of the image receptor, and to align the center of the x-ray field with the center of image receptor to within 2 percent of the SID, or is not provided with means to both size and align the x-ray field such that the x-ray field at the plane of the image receptor does not extend beyond the edge of the image recepto</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.48(g)(2)</u>	<u>Radiographic system subject to the requirements of 175.48(g)(2), does not comply with the field limitation and alignment requirements of this subdivision</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.48(h)(1)-(3)</u>	<u>For a radiographic system that contains Positive Beam Limitation (PBL) that has not been disabled, the PBL system does not function to limit x-ray production as required</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.48(h)(4)</u>	<u>PBL system is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.48(h)(6)</u>	<u>Radiographic system that contains Positive Beam Limitation (PBL) which has been disabled does not comply with standards for manual collimation</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.48(i)</u>	<u>The minimum source-skin distance is less than 30 cm, except intraoral dental equipment regardless of clinical or veterinary use</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.48(j)</u>	<u>Radiation emitted from the x-ray tube exceeds the air kerma limits of 175.48(j)</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.48(k)</u>	<u>Failure to use tube stand or mechanical support for portable x-ray system</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.48(l)(1)</u>	<u>X-ray image receptor used as recording medium during the x-ray examination does not show substantial evidence of cut-off (beam delineation)</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.48(l)(2)</u>	<u>Failure to require personnel monitoring for all persons operating mobile or portable x-ray equipment, except hand-held dental x-ray units</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.48(l)(3),(4) and (6)</u>	<u>Holding of patients or films is not done properly (in accordance with this subsection)</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.48(l)(5)</u>	<u>Gonadal shielding is inadequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC § 175.49(a)(1)</u>	<u>Operation of dark room is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC § 175.49(a)(2)</u>	<u>Failure to provide adequate initial training and/or annual evaluation for operators</u>	<u>\$500</u>	<u>\$1,000</u>

NYCHC § 175.49(c)	<u>Exposure switch is not of the dead-man type</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.49(d)	<u>Operator protection is not adequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.49(e)	<u>Holding of PID and tube head</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.49(f)	<u>QA program inadequate for facility with hand-held intraoral equipment</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(g)	<u>Beam-on indicators are not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(h)	<u>No means are provided at the control panel and at or near the tube housing assembly to indicate which tube is being selected when there are two or more tubes are activated by a common exposure switch</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(i)	<u>Mechanical support of tube head is not adequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.49(j)	<u>X-ray generator battery charge indicator is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(k)	<u>Technique indicators not indicated</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(l)	<u>Exposures are not reproducible</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(m)	<u>Exposure switch is not of the dead-man type</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.49(n)	<u>kVp accuracy is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(o)(2)	<u>The useful x-ray beam of intraoral dental unit is not limited to the area of clinical interest</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.49(o)(3)	<u>The useful x-ray beam of extraoral, panoramic and cephalometric units is not limited to the area of clinical interest</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.49(p)	<u>Beam quality is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(q)(3)	<u>Processing techniques are not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(q)(4)	<u>Entrance Skin Exposure (ESE) value is not adequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.49(r)(1)(3)	<u>QA program for CBCT is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(r)(2)	<u>The patient radiation dose for the most common CBCT scan is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(r)(4)(i)	<u>A shielding and operator protection for CBCT equipment is not adequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.49(r)(4)(ii)	<u>Training for operators of CBCT equipment is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(r)(4)(iii)	<u>The communication with a patient during CBCT examination is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.49(r)(4)(iv)	<u>CBCT patient exams are conducted for cosmetic purposes with no diagnostic value to the patient</u>	<u>\$500</u>	<u>\$1,000</u>

NYCHC § 175.49(r)(4)(v)	Facility failed to have adequate logbook for CBCT exams	\$500	\$1,000
NYCHC § 175.50(a)	Collimation, cut-off, or exposure is not adequate	\$1,000	\$2,000
NYCHC § 175.50(b)	Location of exposure switch is not adequate	\$500	\$1,000
NYCHC § 175.50(c)	Podiatric exposure procedures are inadequate	\$500	\$1,000
NYCHC § 175.51(a)(1)-(2)	The collimation is not adequate for a fixed veterinary x-ray unit	\$500	\$1,000
NYCHC § 175.51(a)(3)	The exposure switch is not adequate for a veterinary x-ray unit	\$1,000	\$2,000
NYCHC § 175.51(b)(1)-(2)	The collimation is not adequate for a portable or mobile veterinary x-ray unit	\$500	\$1,000
NYCHC § 175.51(b)(3)-(4)	The exposure switch is not adequate for a portable or mobile veterinary x-ray unit	\$1,000	\$2,000
NYCHC § 175.51(c)	Veterinary facility failed to comply with Health Code requirements for the dental units	\$500	\$1,000
NYCHC § 175.51(d),(e)	Veterinary facility failed to comply with Health Code requirements for the fluoroscopic units	\$1,000	\$2,000
NYCHC § 175.51(f)(1)	Person(s) other than required for the radiographic procedure is (are) in the radiographic room during exposure	\$1,000	\$2,000
NYCHC § 175.51(f)(6)	Protective garments worn by the fluoroscopist during examination is not adequate	\$1,000	\$2,000
NYCHC § 175.52(a)	Dual-energy X-ray Absorptiometry (DXA) system is not adequately certified, registered and maintained	\$1,000	\$2,000
NYCHC § 175.52(b)	Person other than a professional practitioner did direct or order the application of radiation to a human being	\$1,000	\$2,000
NYCHC § 175.52(c)	The operator's protection is not adequate	\$1,000	\$2,000
NYCHC § 175.52(d)	Quality assurance program is not adequate	\$500	\$1,000
NYCHC § 175.53(a)	Acceptance testing is not adequate	\$500	\$1,000
NYCHC § 175.53(b)(1)	Primary barrier interlock is not adequate	\$500	\$1,000
NYCHC § 175.53(c)	Field limitation is not adequate	\$500	\$1,000
NYCHC § 175.53(g)	Override capability is not adequate	\$500	\$1,000
NYCHC § 175.53(h)	Tube activation is not adequate	\$1,000	\$2,000
NYCHC § 175.53(i)(1)(i)	AECR unit capable of operating above 10 R/min	\$1,000	\$2,000
NYCHC § 175.53(i)(1)(ii)	Manual-only unit capable of operating above 5 R/min	\$1,000	\$2,000
NYCHC § 175.53(i)(1)(iii)	AECR/manual unit capable of operating above 10 R/min in either mode	\$1,000	\$2,000

NYCHC § 175.53(i)(1)	<u>Air kerma rates is not adequate for fluoroscopic equipment manufactured before May 19, 1995</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.53(i)(2)(i)	<u>No AERC; unit is capable of operating above 5 R/min</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.53(i)(2)(ii)	<u>AECR unit capable of operating above 10 R/min</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.53(i)(2)	<u>Air kerma rate is not adequate for fluoroscopic equipment manufactured after May 19, 1995</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.53(j)	<u>The high-level control is not adequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.53(k)	<u>Procedure to measure the exposure rates is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC § 175.53(l)	<u>The automatic brightness system is not adequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.53(m)	<u>An entrance exposure rate is not adequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC § 175.53(n)(1)	<u>The spatial resolution of the fluoroscopic system is not adequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §175.53(n)(2)	<u>The low contrast performance of the fluoroscopic system is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(o)	<u>An Indication of potential and current is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(p)	<u>The means to limit the source-skin distance is not adequate in the fluoroscopic unit</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(q)(1)	<u>A display of the fluoroscopic irradiation time is not adequate for equipment manufactured before June 10, 2006</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(q)(2)	<u>A display of the fluoroscopic irradiation time is not adequate for equipment manufactured after June 10, 2006</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(r)(1)(i)	<u>Fluoroscopic equipment not adequately equipped to display LIH image following termination of the fluoroscopic exposure</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(r)(1)(ii)	<u>Technique factors for the LIH image are not selectable and the combination selected not indicated prior to initiation of exposure</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(r)(1)(iii)	<u>Means not provided to indicate whether a displayed image is the LIH radiograph or fluoroscopy</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(s)	<u>The AKR and cumulative air kerma is not displayed</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(t)	<u>Protection from scatter radiation in the room during fluoroscopy procedure is not adequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §175.53(u)(1)	<u>Operators of a fluoroscopic x-ray system for clinical purposes do not have adequate qualifications</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(u)(2)	<u>Training for operators of fluoroscopic system is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(u)(3-6)	<u>Training for operators of fluoroscopic system during FGI is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>

NYCHC §175.53(v)(1),(2)	<u>Fluoroscopic equipment operation is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(v)(3)	<u>Operators are not competent in the standard operating procedures of the unit in use</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §175.53(v)(4)	<u>Procedure planning for fluoroscopic procedures on pregnant patients is not adequate</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §175.53(v)(6)	<u>Fluoroscopic systems that failed to comply with testing requirements in 175.53(l) or (n) was used for patient fluoroscopy before failure(s) have been corrected</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §175.53(w)(1),(5)	<u>Failure to establish Radiation Protocol Committee (RPC)</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(w)(2)-(4)	<u>Failure to maintain Radiation Protocol Committee (RPC)</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(w)(6)	<u>Failure to establish and implement FGI procedure protocols</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.53(w)(7)	<u>A registrant utilizing FGI procedures failed to comply with Health Code requirements relating to procedures for maintaining records</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.54(d)	<u>Quality assurance manual has not been followed adequately at this facility</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §175.55(a)	<u>Control panel is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.55(b)(1)	<u>Audible communication with patient not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.55(b)(2)-(3)	<u>Visual observation of patient is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.55(c)(1)	<u>Calibration of CT unit performed or directed by person other than licensed medical physicist</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §175.55(c)(2),(6)	<u>Written procedures for the CT calibration on site were not available and/or adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.55(c)(3)	<u>CT unit was not calibrated prior to human use or annually or whenever components changed that could affect dose</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §175.55(c)(4)-(5)	<u>Registrant did not use a calibrated dosimetry system that was calibrated within the past 12 months</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.55(d)(1),(2) and (5)	<u>CT registrant conducted QA program as if it were not a Large Facility</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.55(d)(3)	<u>Registrant failed to develop and maintain an adequate QA Manual according to the Registrants accreditation body's mandates</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.55(d)(4)	<u>Registrant failed to conduct QA testing for image quality parameters using an appropriate phantom, at inadequate frequency, and failed to conduct all mandated image parameter tests</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.55(d)(6)(i)	<u>Image of CT phantom not retained in an adequate manner</u>	<u>\$500</u>	<u>\$1,000</u>

NYCHC §175.55(d)(6)(ii)	<u>Dose assessments for common clinical exams not conducted</u>	\$500	\$1,000
NYCHC §175.55(d)(6)(iii)	<u>Registrant failed to conduct dose measurement for brain perfusion studies and/or failed to conduct review of clinical scan protocols for brain perfusion studies</u>	\$500	\$1,000
NYCHC §175.55(d)(6)(iv)	<u>Registrant failed to verify that the CT unit's dose adjustment software is functioning adequately</u>	\$500	\$1,000
NYCHC §175.55(d)(7)	<u>Registrant failed to conduct mandated tests for CT SIM units</u>	\$500	\$1,000
NYCHC §175.55(e)(1), (10)	<u>Failure to obtain accreditation for CT or CBCT unit used for patient scan</u>	\$500	\$1,000
NYCHC §175.55(e)(10)	<u>Facility failed to establish and implement a policy and a procedure to ensure that a request for a CT scan originates from a licensed physician familiar with the patient's clinical condition</u>	\$500	\$1,000
NYCHC §175.55(e)(11)	<u>Facility does not have an adequate logbook of patients undergoing CT exams</u>	\$500	\$1,000
NYCHC §175.55(e)(2)	<u>CT units are operated by not authorized personnel</u>	\$1,000	\$2,000
NYCHC §175.55(e)(3)	<u>Radiation protection survey for CT x-ray system was not performed when it is required or is inadequate</u>	\$1,000	\$2,000
NYCHC §175.55(e)(4), (5)	<u>The operation and output calibration of the CT x-ray system is not available at a control panel or inadequate</u>	\$500	\$1,000
NYCHC §175.55(e)(6)	<u>Routine CT scans of patient were conducted before completion of corrective action and before the QA tests have been repeated to verify that the system is back within tolerance</u>	\$500	\$1,000
NYCHC §175.55(e)(7)	<u>Routine CT scans of patient were conducted before corrective action has removed artifacts being present in clinical scans</u>	\$500	\$1,000
NYCHC §175.55(e)(8), (9)	<u>Failure to verify, save or record dose delivered by the scanner to a reference phantom, or the dose received by the patient in a manner consistent with this subsection</u>	\$500	\$1,000
NYCHC §175.55(f)(1)	<u>Facility failed to have an adequate CT Radiation Protocol Committee (RPC)</u>	\$500	\$1,000
NYCHC §175.55(f)(2)	<u>Facility's Radiation Protocol Committee performs in an inadequate manner</u>	\$500	\$1,000
NYCHC §175.60(b)	<u>An unauthorized or unapproved machine was used for therapeutic treatment of human patients</u>	\$1,000	\$2,000
NYCHC §175.60(c)	<u>An unapproved or unqualified person acted as an authorized user for therapeutic radiation equipment</u>	\$1,000	\$2,000
NYCHC §175.60(d)	<u>Operators of therapeutic radiation equipment do not have the required qualification</u>	\$500	\$1,000

NYCHC §175.60(e)	<u>Adequate written safety procedures are not available at the control area</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.60(f)	<u>Improper use of therapeutic radiation equipment to cause human exposure without proper written directive</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §175.60(i)	<u>Maintenance records are not maintained as required</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.61(a)	<u>Required radiation protection surveys were not performed adequately</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.61(c)	<u>Dosimetry equipment is not calibrated as required</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.62(b)	<u>Treatment planning manual is not available or is inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.62(c)	<u>Registrant does not have required accreditation in radiation oncology</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.63(a)	<u>The referring physician was not notified of a medical event</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.63(c)	<u>Retention of medical events reports is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(a)	<u>Appropriate calibrated survey meter is not available</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(d)	<u>Reusable filters or wedges are not properly labeled</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(j)	<u>Irradiation is not properly terminated by the dose monitoring system</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(m)	<u>Timer is not functioning as required</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(q)(2)(iv)	<u>Control panel does not provide required access control (device lock)</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(q)(3), (4)	<u>Patient observation or communication system is inadequate or not working properly</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(q)(5)	<u>Beam on/off indicator lights are inadequate or not working properly</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(q)(6)	<u>Treatment room door interlocks are not working properly</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(q)(8)	<u>Emergency cutoff switch is not present in treatment room</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(r)	<u>Duties that should be performed by the QMP are being performed by someone other than an approved QMP</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(s)	<u>Required documentation is not available at the treatment console</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §175.65(t)	<u>Full calibration was not performed or was inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(u)	<u>Required weekly safety checks were not performed or were inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.65(v)	<u>Appropriate calibrated survey meter is not available</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §175.68(a), (b)	<u>Appropriate quality assurance for CT simulator was not performed</u>	<u>\$500</u>	<u>\$1,000</u>

NYCHC §175.69(f)	<u>Appropriate QMP support not available, or procedures that should be done by QMP were performed by a person other than an approved QMP, for electronic brachytherapy</u>	\$500	\$1,000
NYCHC §175.69(j)	<u>Required quality assurance checks not performed for electronic brachytherapy equipment</u>	\$500	\$1,000
NYCHC §175.69(l)	<u>Adequate training was not provided for operators of electronic brachytherapy equipment</u>	\$500	\$1,000
NYCHC §175.101(a)	<u>Failure to comply with 10 CFR Part 19</u>	\$500	\$1,000
NYCHC §175.101(c)	<u>Records documenting individual worker instruction were not maintained as required</u>	\$500	\$1,000
NYCHC §175.102(a)	<u>Failure to comply with 10 CFR Part 20</u>	\$1,000	\$2,000
NYCHC §175.102(c)(1)	<u>Radiation Protection Program is not adequate</u>	\$500	\$1,000
NYCHC §175.102(c)(2)	<u>Improper or inadequate use of personal monitoring devices</u>	\$500	\$1,000
NYCHC §175.102(c)(3)	<u>Written policy on respirator use not available or inadequate</u>	\$500	\$1,000
NYCHC §175.102(c)(4)	<u>Required leak tests were not performed properly</u>	\$500	\$1,000
NYCHC §175.102(c)(5)	<u>Radioactive material shall is stored with either food or beverages</u>	\$1,000	\$2,000
NYCHC §175.102(c)(9)	<u>Records of receipt and transfer of radioactive materials were not maintained as required</u>	\$500	\$1,000
NYCHC §175.102(c)(12)	<u>The licensee did not obtain required New York State DEC permits for waste discharge</u>	\$500	\$1,000
NYCHC §175.103(a)	<u>Personnel responsible for radiation safety are not listed on the certified registration</u>	\$500	\$1,000
NYCHC §175.103(b)	<u>Licensee made shipment of radioactive materials without verifying that receiver has valid license</u>	\$1,000	\$2,000
NYCHC §175.104(d)(3)(iii)	<u>Adequate procedures for approval of authorized users are not available</u>	\$500	\$1,000
NYCHC §175.104(e)	<u>Authorized users do not have appropriate training and experience</u>	\$500	\$1,000
NYCHC §175.105(a)	<u>Failure to comply with 10 CFR Part 35</u>	\$1,000	\$2,000
NYCHC §175.105(c)(1)	<u>An ALARA program was not developed and implemented as required</u>	\$500	\$1,000
NYCHC §175.105(c)(2)	<u>Personnel working as Nuclear Medicine Technicians are not duly licensed by New York State Department of Health</u>	\$500	\$1,000
NYCHC §175.105(c)(3)	<u>Dose calibrator QA checks not performed as required</u>	\$500	\$1,000

<u>NYCHC §175.105(c)(4)</u>	<u>Adequate portable radiation survey equipment is not available</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.105(c)(5)</u>	<u>Required radiation surveys not performed or inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.105(c)(6)</u>	<u>Airborne radioactivity control not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.105(c)(8)</u>	<u>Licensee did not perform a required survey after treatment with radioactive implants or unsealed radioactive material</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.105(c)(9)</u>	<u>A person working as authorized medical physicist for HDR afterloader is not listed on the license</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.105(c)(10)</u>	<u>Records of radiation safety program are inadequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.106(a)</u>	<u>Improper shipping or packaging for transport</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.108(b)</u>	<u>A quality assurance program for unsealed material for diagnostic use is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.108(c)(2)</u>	<u>QA Manual for brachytherapy or external beam treatment is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.108(c)(2)</u>	<u>QA Program for brachytherapy or external beam treatment not implemented adequately</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.108(c)(3)</u>	<u>Radiation treatment manual for external beam and/or brachytherapy is not available or is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.108(c)(6)</u>	<u>The facility does not maintain the required accreditation for therapeutic use of radiation equipment</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.108(d)(1)</u>	<u>The quality assurance program for unsealed material for therapeutic use is not adequate</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §175.108(d)(3)</u>	<u>Required yearly audits of the quality assurance program were not performed</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §177.05(a)</u>	<u>Operating an indoor tanning facility without a permit. Permit was never obtained</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC §177.05(a)</u>	<u>Operating an indoor tanning facility without a current, valid permit. Permit is expired or invalid</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC §177.07(a)</u>	<u>Access not permitted for inspection purposes</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC §177.07(c)(1)</u>	<u>Wiring and electrical system components inadequate or hazardous. Public Health Hazard</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC §177.07(c)(1)</u>	<u>Wiring and electrical system components inadequate or hazardous</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC §177.07(c)(2)</u>	<u>Adequate labels not present on tanning equipment. Public Health Hazard</u>	<u>\$1,000</u>	<u>\$2,000</u>

NYCHC §177.07(c)(2)	<u>Adequate labels not present on tanning equipment</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.07(c)(3)	<u>Equipment not operated in accordance with label and manufacturers recommendations. Public Health Hazard</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §177.07(c)(4)	<u>Failure to assure and maintain accuracy of UV radiation device timers. Public Health Hazard</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §177.07(c)(4)	<u>Failure to assure and maintain accuracy of UV radiation device timers</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.07(c)(5)	<u>Patrons do not possess adequate protective eyewear. Public Health Hazard</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §177.07(c)(5)	<u>Patrons do not possess adequate protective eyewear</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.07(c)(6)	<u>Tanning devices, pillows, headrests and reusable protective eyewear not sanitized in an adequate manner. Public Health Hazard</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §177.07(c)(6)	<u>Tanning devices, pillows, headrests and reusable protective eyewear not sanitized in an adequate manner</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.07(c)(7)	<u>Timer lockout or remote timer controls not in use with all tanning equipment. Public Health Hazard</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §177.07(c)(8)	<u>Condition creating an imminent risk to the public's health and safety present. Public Health Hazard</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §177.11(a)	<u>Operator not present while tanning devices were in use</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.11(b)	<u>Patron exposure time not adequately limited</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.11(g)	<u>Operator maintained website(s) did not include health risk disclaimer message</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.13(a)(1)	<u>Patron identification and age not verified</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.13(a)(2)	<u>Minors under 18 years not prohibited from tanning</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.13(a)(3)	<u>Minors prohibited sign not posted in the reception area</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.13(c)	<u>The Department's Health Risk Advisory not provided to all patrons prior to initial exposure</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(a)(1)	<u>The Department's warning signs not posted or posted with incorrect language and format</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(a)(1)	<u>The Department's warning signs not posted within specified distance of each UV device</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(a)(2)	<u>Adequate labels not present on tanning equipment</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(b)	<u>The manufacturer's instruction manual not maintained</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(c)(2)(v)	<u>Timers lockout or remote timer controls not present, adequate, or used as required</u>	<u>\$500</u>	<u>\$1,000</u>

NYCHC §177.15(c)(3)	<u>Patrons cannot manually terminate UV emission</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(c)(5)	<u>Equipment does not adequately shield patrons from lamps</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(c)(6)	<u>Safety requirements for stand-up tanning devices not met. Handrails, floor marking, doors or non-slip floors are inadequate or absent</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(c)(7)	<u>The internal temperature of tanning equipment exceeded 100°F</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(c)(8)	<u>UV lamps or filters not compatible with the device in which they are installed</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(c)(9)	<u>Equipment not regularly maintained according to the manufacturer's recommendations</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(c)(10)	<u>UV devices do not meet FDA irradiance limitations. Devices transmit measurable radiation in wavelengths less than 200 nanometers</u>	<u>\$500</u>	<u>\$1000</u>
NYCHC §177.15(c)(11)	<u>UV devices do not meet FDA dose limitations. Machines operated so that the manufacturer's recommended maximum exposure time results in an exposure which exceeds the limits of Minimal Erythema Dose (MED) or Minimal Melanogenic Does (MMD)</u>	<u>\$500</u>	<u>\$1000</u>
NYCHC §177.15(d)(1)	<u>Patrons do not possess adequate protective eyewear. Public Health Hazard</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §177.15(d)(1)	<u>Adequate eye protection not provided at no additional cost to patrons. Public Health Hazard</u>	<u>\$1,000</u>	<u>\$2,000</u>
NYCHC §177.15(d)(1)	<u>Adequate eye protection not provided at no additional cost to patrons</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(d)(1)	<u>Adequate number of protective eyewear sets not available for use</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.15(e)(2)	<u>Disinfection solution prepared by operator not tested at time of preparation and weekly thereafter</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.17(a)	<u>Patron record not maintained</u>	<u>\$500</u>	<u>\$1,000</u>
NYCHC §177.19(c)	<u>Injury or illness reports not maintained for two years</u>	<u>\$500</u>	<u>\$1,000</u>
Admin Code § 17-328(a)	<u>Currently licensed rental horse lacks hoof brand or metal tag attached to bridle</u>	<u>\$300</u>	<u>\$500</u>
Admin Code § 17-330(b)	<u>Tethered horses secured by a rope attached to a bit or bridle, not to the halter</u>	<u>\$200</u>	<u>\$400</u>
Admin Code § 17-330(b)	<u>Horses kept tied in stable</u>	<u>\$300</u>	<u>\$300</u>
Admin Code § 17-330(c)	<u>Horse not untied in stable stall</u>	<u>\$200</u>	<u>\$400</u>

<u>Admin Code § 17-330(c)</u>	<u>Carriage horse's standing stall is at not 60 square feet or larger, and/or a minimum of seven feet wide</u>	<u>\$500</u>	<u>\$500</u>
<u>Admin Code § 17-330(d)</u>	<u>Sufficient bedding of straw, shavings or other suitable material not furnished or not cleaned, not dry and/or not changed as necessary</u>	<u>\$200</u>	<u>\$400</u>
<u>Admin Code § 17-330(e)</u>	<u>Sufficient foods and drinking water not provided</u>	<u>\$500</u>	<u>\$500</u>
<u>Admin Code § 17-330(g)(1)</u>	<u>Required work and rest periods and/or fresh water not provided for horses</u>	<u>\$500</u>	<u>\$500</u>
<u>Admin Code § 17-330(g)(2)</u>	<u>Written proof showing carriage horses furloughed not provided to Department upon demand, or furlough insufficient</u>	<u>\$500</u>	<u>\$500</u>
<u>Admin Code § 17-330(i)</u>	<u>Saddles, bits, bridles, harnesses and other equipment not clean, maintained and/or properly fitted or disinfected prior to use by another horse</u>	<u>\$200</u>	<u>\$400</u>
<u>Admin Code § 17-330(l)</u>	<u>Written emergency protocol or emergency contact information not kept by owner of rental horse business</u>	<u>\$500</u>	<u>\$500</u>
<u>Admin Code § 17-330(n)</u>	<u>Horse not examined, or examinations not occurring before being put into service, before new or renewal license or every four to eight months after being put into service</u>	<u>\$500</u>	<u>\$500</u>
<u>Admin Code § 17-330(n)</u>	<u>Original health certificate not mailed to Department by the examining veterinarian</u>	<u>\$100</u>	<u>\$200</u>
<u>Admin Code § 17-330(n)</u>	<u>Copy of health certificate not maintained at stable or not provided to the Department</u>	<u>\$200</u>	<u>\$400</u>
<u>Admin Code § 17-330(o)(1)</u>	<u>Carriage horse working when temperature is 18 °F or below, after written warning issued</u>	<u>\$500</u>	<u>\$500</u>
<u>Admin Code § 17-330(o)(2)</u>	<u>Carriage horse working when temperature is 90 °F or above or when the air temperature is 80 degrees Fahrenheit or above AND the Equine Heat Index (EHI) is 150 or above, after written warning issued</u>	<u>\$500</u>	<u>\$500</u>
<u>Admin Code § 17-330(p)</u>	<u>Horse drawn carriage is not equipped with manure catching device</u>	<u>\$200</u>	<u>\$400</u>
<u>Admin Code § 17-330(r)</u>	<u>From November through April carriage not equipped with heavy winter horse blanket</u>	<u>\$200</u>	<u>\$400</u>
<u>Admin Code § 17-330(r)</u>	<u>Waterproof blankets not provided or used for carriage horses during wet weather when the temperature is at or below 55°F</u>	<u>\$200</u>	<u>\$400</u>
<u>Admin Code § 17-1605 (a)</u>	<u>Failure to consult the animal abuse registry prior to transferring or exchanging ownership of an animal.</u>	<u>\$500</u>	<u>\$1,000</u>
<u>Admin Code § 17-1605 (b)</u>	<u>Transferring or exchanging ownership of an animal to a person listed on the animal abuse registry</u>	<u>\$1,000</u>	<u>\$1,000</u>

<u>24 RCNY § 4-02(a)(1)(2)</u>	<u>Working a rental horse without a current valid license</u>	<u>\$500</u>	<u>\$500</u>
<u>24 RCNY § 4-02(b)(2)</u>	<u>Failure to maintain horse's certificate of license at stable</u>	<u>\$200</u>	<u>\$400</u>
<u>24 RCNY § 4-03(b)</u>	<u>Except as provided by Health Code §131.07(c), internal stable temperature not at or above 35°F during the winter months</u>	<u>\$500</u>	<u>\$500</u>
<u>24 RCNY § 4-03(f)</u>	<u>Stalls for working horses other than carriage horses are not a minimum of 4 ft. wide, 10 ft. long, with a ceiling clearance of at least 9 ft</u>	<u>\$500</u>	<u>\$500</u>

Notes: The Department is proposing to amend its rules in Chapter 7 of Title 24 of the RCNY to update requirements by providing fixed penalties for violations of rules enforced by the Department, primarily with respect to environmental health standards and carriage horses.

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**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Penalty Schedule for Violations of Certain Provisions of Health Code and Other Health-Related Provisions of Law

REFERENCE NUMBER: 2024 RG 110

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: January 14, 2025