



**NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE**
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Via Electronic Submission: regsgna@health.ny.gov

December 7, 2025

Katherine Ceroalo
New York State Department of Health
Bureau of Program Counsel, Regulatory Affairs Unit
Corning Tower Building, Room 2438
Albany, NY 12237

Re: Ionizing Radiation
I.D. No. HLT-40-25-00001-P

Dear Ms. Ceroalo:

The New York City Department of Health and Mental Hygiene (NYC Health Department) has reviewed the New York State Department of Health's (NYS Health Department) proposed repeal and replacement of NYCRR Title 10, Part 16 ("Part 16"). We believe these revisions are a timely and well-crafted update of the regulations for radiation control and have the following comment regarding the proposed rules.

Positron Emission Tomography (PET) radionuclide production facility terminology use

For compatibility with United States Nuclear Regulatory Commission (NRC) usage, the term "Positron Emission Tomography facility" defined in 16.123(b)(7) should be revised to "Positron Emission Tomography (PET) radionuclide production facility." This is the term used in 10 CFR 35.2.

In addition, we are including our letter dated May 30, 2025 to reconsider our previous recommendations on portable and mobile diagnostic x-ray equipment (Attachment A).

Sincerely,

██████████
Assistant Commissioner
Bureau of Environmental Sciences and Engineering
Division of Environmental Health
NYC Department of Health and Mental Hygiene — City of New York



NEW YORK CITY DEPARTMENT OF HEALTH

Ashwin Vasani, MD, PhD

Commissioner

May 30, 2024

Assistant Commissioner
Bureau of Environmental
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Via Electronic Submission: regsqa@health.ny.gov

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Re: Ionizing Radiation
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Dear Ms. Ceroalo:

The New York City Department of Health and Mental Hygiene (NYC Health Department) has reviewed the New York State Department of Health's (NYS Health Department) proposed repeal and replacement of NYCRR Title 10, Part 16 ("Part 16"). We believe these revisions are a timely and well-crafted update of the regulations for radiation control.

We recommend that New York State also update the protections relating to the use of portable and mobile diagnostic x-ray equipment by adding the following provision: "Portable or mobile x-ray equipment shall be used only for examinations where it is impractical to transfer the patient to a stationary x-ray installation." This change aligns with the recommendation of the Conference of Radiation Control Program Directors (CRCPD)¹. This recommendation of the CRCPD has been adopted by over 20 states (see Table 1). Federal radiation protection guidance for diagnostic x-ray procedures likewise recommends, "In general, mobile radiography should only be used when it is not reasonable to perform the examinations using fixed radiographic systems."²

Portable and mobile x-ray equipment are critical diagnostic tools, but they also have limitations, drawbacks, and safety flaws compared to fixed radiographic installations. The use of portable and mobile x-ray machines in place of a fixed radiographic installation may result in increased risk for radiation exposure to patients and operators for the following reasons:

Proximity: Portable and mobile x-ray devices require an operator to work at closer proximity to the patient as compared to fixed radiographic installations.

¹ CRCPD Suggested State Regulations, Part F, 2015, section F.3.a.xi

² Federal Guidance Report No. 14, 2014, p. 37

Lack of shielding: Fixed radiographic installations include protections that are built into the x-ray site and confirmed by radiation protection surveys. Such protections are the best option to minimize possible exposures to radiation technicians and to other people in the area.

Increased exposure time: Some portable and mobile x-ray equipment require a longer x-ray exposure time at a lower power than fixed radiographic installation, which results in an increased radiation exposure to patients and operators.

Increased exposure from repeat imaging: Limitations in image quality from portable and mobile x-ray devices may result in repeat imaging and additional exposure to patient and technicians. Poor quality images and use limitations may result from a number of factors, including from the equipment itself (i.e., the operator has less control over distance, angle, and patient positioning, and therefore less ability to compensate for anatomical thickness and density which may reduce image quality) or from patient movement during the procedure.

Of course, some patients cannot use fixed radiographic installations, and portable or mobile x-ray equipment is the only practical option. In accordance with the guiding principle that emissions be As Low As Reasonably Achievable (ALARA), the use of portable and mobile x-ray equipment should be limited to circumstances where the use of fixed equipment is medically inadvisable for the patient.³

The current requirements in NYCRR Title 10, Part 16 provide some level of operator protection—for example, Section 16.57(a)(7) provides, “The exposure switch shall be of the dead-man type and shall be provided with a cord sufficiently long that the operator can stand at least six feet from the patient, the X-ray tube and the useful beam.” However, this provision does not incorporate all of the protections to operators and others that are provided by a fixed installation with permanent barriers, and it does not address the issues of lower image quality inherent in mobile equipment. Additionally, Section 16.57(b) (“If a mobile unit is used routinely in one location it shall be considered a fixed installation, and shall meet the requirements of section 16.56”) will not apply to many of the urgent care and other sites increasingly using mobile equipment, because they typically will be using the equipment in multiple locations.

The New York City Board of Health updated the Health Code Section 175.04(c) in 2019 to add these protections:

. . . portable or mobile x-ray equipment must only be used for examinations where it is impractical to transfer the patient to a stationary x-ray installation. Facilities are prohibited from using portable or mobile x-ray units in routine clinical x-ray exams; however, this shall not prohibit hospitals from using portable or mobile x-ray units in clinical exams in emergency room and trauma center locations and for in-house patients that are not ambulatory. Additionally, this shall not prohibit mobile or portable x-ray units in patient homes or long term health care facilities.

Section 175.04(c) went through an extensive notice and comment period, with stakeholders submitting multiple comments on other aspects of the proposed changes to Article 175. There were no comments,

³ Guidance issued by the Kansas Department of Health clarifies that the term “impractical” in the recommended regulatory language refers only to the patient’s medical needs: “Transferring a patient a relatively short distance to a stationary X-ray unit is not impractical unless there is an emergency or it is medically not advised to move the patient. **The term impractical applies to the patient and patient’s condition, not the medical staff or financial interests of the facility.**” (Kansas Information Notice: 2019-02, emphasis added)

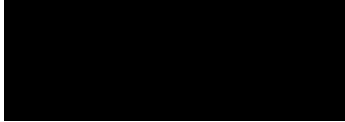
however, on the proposal to advance the protections related to portable and mobile x-ray equipment. The change became effective in July 2022, and implementation has been smooth for the vast majority of facilities.

As you know, New York City has the authority to adopt radiation-related requirements that are more protective than those in New York State, and the NYC Health Department is not concerned that the NYS Health Department's proposal will undermine our efforts to advance ALARA here. However, to promote the health and wellbeing of all New Yorkers, including New York City residents who may obtain care in New York State outside of New York City, and for consistency, we recommend that the NYS Health Department update this provision to match the recent revision in New York City.

Thus, we recommend that the language from CRCPD be added to Section 16.57 or another appropriate section of Part 16. For consistency, we suggest using the same language as Article 175, quoted above.

Thank you for considering our comment.

Sincerely,



Assistant Commissioner, Bureau of Environmental Sciences and Engineering
New York City Department of Health and Mental Hygiene

Table 1: Table of state regulations adopting CRCPD recommendation on portable and mobile x-rays.

State	Regulation	Text
Colorado	6 Colo. Code Regs. § 1007-1:6.3.3.1	Except for dental and veterinary use, portable or mobile x-ray equipment be used only: (i) For examinations where it is impractical to transfer the patient to a stationary x-ray installation; or (ii) When the medical status of the patient prohibits transfer of the patient to a stationary x-ray installation.
Delaware	Code Del. Regs. § 4000-F.3(a)(ix)(3)	Portable or mobile equipment shall be used only for examinations where it is impractical to transfer the patient to a stationary radiographic installation.
Hawaii	Haw. Code R. 11-45-116(a)(10)(C)	
Illinois	Ill. Admin. Code tit. 32, § 360.41(d)	
Louisiana	33 La. Admin. Code Pt. XV, § 603(15)	
Maryland	Md. Code Regs. § 26.12.01.01	Portable or mobile x-ray equipment shall be used only for examinations where it is impractical to transfer the patient(s) to a stationary x-ray installation.
Mississippi	15 Code Miss. R. Pt. 21, Subpt. 78, R. 1.6.3 (1)(i)(iii)	
Rhode Island	216 R.I. Code R. 40-20-4.3.10(C)	
Washington	Wash. Admin. Code § 246-225-020(1)(ii)	
Iowa	Iowa Admin. Code r. 641-41.1(136C)(3)(9)(3)	Portable or mobile X-ray equipment shall be used only for examinations, excluding intraoral dental imaging, where it is impractical to transfer the patient(s) to a stationary X-ray installation. Handheld mobile X-ray equipment may be used for routine intraoral dental imaging in place of stationary equipment. Handheld X-ray equipment shall be used only for intraoral dental radiography.
Kansas	Kan. Admin. Regs. § 28-35-242a(a)(8)(C)	Portable or mobile X-ray equipment shall be used only for examinations during which transferring the patient or patients to a stationary X-ray installation is impractical
Maine	Code Me. R. tit. 10-144 Ch. 220, Pt. F, § 3.A(1)(i)(ii)	Portable or mobile equipment shall only be used in cases where it is impractical to transfer the patient(s) to a stationary x-ray unit. Portable equipment is not to be used as a substitute for a stationary unit.
Massachusetts	105 Mass. Code Regs. § 120.403(A)(1)(i)(6)	Mobile or portable radiographic systems shall only be used for examinations where it is impractical to transfer the patient(s) to a stationary x-ray installation.
Michigan	Mich. Admin. Code R 333.5353(3)	Mobile or portable diagnostic x-ray equipment shall not be used for routine radiography or fluoroscopy in hospitals or private offices of health practitioners licensed under article 15 of the act. This equipment shall only be used when it is medically inadvisable to move a patient to a fixed radiographic or fixed fluoroscopic installation.

Nebraska	180 Neb. Admin. Code Ch. 6 § 003.13(C)	Portable or mobile x-ray equipment must be used only for examinations where it is not feasible to transfer the patient or patients to a stationary x-ray installation
North Carolina	10A N.C. Admin. Code § v15.0603(a)(1)(I)(iii)	Portable or mobile equipment shall be used only for examinations where it is impractical for medical reasons to transfer the patient to a stationary radiographic installation.
North Dakota	N.D. Admin. Code § 33-10-06-03(1)(a)(10)(d)	Portable or mobile equipment shall be used only for examinations where it is impractical to transfer the patients to a stationary x-ray installation.
Oregon	Or. Admin. R. 333-106-0045(4)	Portable or mobile X-ray equipment shall be used only for examinations where it is impractical to transfer the patient(s) to a stationary X-ray installation due to the medical status of the patient or the inability of the patient to be left alone during the imaging procedure except as permitted under section (5) of this rule.
South Carolina	S.C. Code Ann. Regs. 61-64 RHB 4.2.13.3	Portable or mobile x-ray equipment shall be used only for examinations where it is impractical to transfer the patient(s) to a stationary x-ray installation. Portable or mobile dental equipment shall be exempt from this regulation.
Utah	Utah Admin. Code r. R313-28-31(5)	Portable or mobile equipment shall be used only for examinations if it is impractical to transfer the patient to a stationary radiographic installation.
Virginia	12 Va. Admin. Code 5-481-1591(A)(9)(c)	Portable or mobile radiographic (exclude fluoroscopic) x-ray equipment shall be used only for examinations where it is impractical to transfer the patient to a stationary x-ray installation.