



PUBLIC NOTICE OF PROPOSED RULE CHANGES

Pursuant to the Georgia Administrative Procedures Act, Official Code of Georgia (O.C.G.A.) § 50-13-1, et seq., the Georgia Department of Community Health is required to provide public notice of its intent to adopt, amend, or repeal certain rules other than interpretative rules or general statements of policy. Accordingly, the Department hereby provides notice of its intent to transfer and repeal the **Rules and Regulations for Laser Radiation, from Rules & Regs., R. 290-5-27 41 to new Chapter 111-8-91**. These changes are being proposed pursuant to the authority granted to the Department in O.C.G.A. §§ 33-21A-12 and 49-4-1. An exact copy of the revised rules and a synopsis of the revisions are attached to this public notice.

NOTICE OF PUBLIC HEARING

An opportunity for public comment will be held on September 15, 2020 at 12:00 p.m. via WebEx audio. There will be no in-person attendance at the Department of Community Health. The WebEx event number is **127 567 8987** and the event password is **"Public"**. Follow these instructions to join the event:

1. Copy the following link to a browser:
<https://dchevents.webex.com/dchevents/onstage/g.php?MTID=e7d7613a92dd077371f28e70c4938931d>
2. Click "Join Now".

Oral comments may be limited to ten (10) minutes per person. Individuals who are disabled and require assistance to participate during this meeting should contact the Office of General Counsel at (404) 657-7195 at least three (3) business days prior to the meeting.

Individuals wishing to comment in writing on any of the proposed changes should do so on or before September 18, 2020. Due to reduced physical staffing at the 2 Peachtree St. location in an attempt to limit the amount of exposure to COVID-19, DCH encourages written public comments submitted in accordance with O.C.G.A. 50-13-4(a)(2) to be submitted via e-mail to the following e-mail address: **PublicComment@dch.ga.gov**.



**GEORGIA DEPARTMENT
OF COMMUNITY HEALTH**

Any comments not able to be submitted via e-mail may be submitted via regular mail to the following address:

Attention: Mary Peterkin
Office of General Counsel
Georgia Department of Community Health
2 Peachtree Street, NW, 40th Floor
Atlanta, GA 30303

Comments from written and public testimony will be provided to the Board of Community Health prior to October 8, 2020. The Board will vote on the proposed changes on October 8, 2020.

NOTICE IS HEREBY GIVEN THIS 13th DAY OF AUGUST, 2020



Frank W. Berry, Commissioner

RULES OF
GEORGIA DEPARTMENT OF COMMUNITY HEALTH
HEALTHCARE FACILITY REGULATION DIVISION
REPEAL CHAPTER 290-5-27
AND
REPLACE WITH NEW CHAPTER 111-8-91
RULES AND REGULATIONS FOR LASER RADIATION
SYNOPSIS OF REVISED RULES

STATEMENT OF PURPOSE:

The Department of Community Health proposes to repeal the Rules and Regulations for Laser Radiation under Chapter 290-5-27 and publish amended Laser Radiation Rules under Chapter number 111-8-91. This change is necessary to reflect that the Laser Radiation is subject to regulation by the Department of Community Health rather than the Department of Human Resources, which has since been renamed as the Department of Human Services. These rules are being proposed pursuant to the authority granted to the Department of Community Health in O.C.G.A. §§ 31-2-4, 31-2-5, and 31-13-5.

MAIN FEATURES OF THE PROPOSED RULE:

The proposed Rules and Regulations for Laser Radiation, Chapter 111-8-91, update the existing rules by replacing the Chapter number, replacing the name of the Department, and correcting rule numbering and grammatical errors. The proposed Rules and Regulations for Laser Radiation, Chapter 111-8-91, do not change any substantive provisions of the existing rule.

RULES OF
GEORGIA DEPARTMENT OF ~~HUMAN SERVICES~~ COMMUNITY HEALTH
DIVISION OF ~~PUBLIC HEALTH~~ HEALTHCARE FACILITY REGULATION

CHAPTER ~~290-5-27~~ 111-8-91

RULES AND REGULATIONS FOR HOSPITAL CARE FOR LASER RADIATION

TABLE OF CONTENTS

~~290-5-27-111-8-91~~ -.01 Definitions
~~290-5-27-111-8-91~~ -.02 Registration
~~290-5-27-111-8-91~~ -.03 Injury Reporting
~~290-5-27-111-8-91~~ -.04 Report of Discontinuance
~~290-5-27-111-8-91~~ -.05 Laser System Exempt from Registration
~~290-5-27-111-8-91~~ -.06 Enforcement

Rule ~~290-5-27~~ 111-8-91-.01. Definitions

For the purpose of these rules, the term:

- (a) "Department" means the Department of ~~Public Health~~ Community Health of the State of Georgia;
- (b) "Injury" means any discernible, unintentional damage to tissue (such as eye or skin), resulting from exposure to laser radiation; or untoward biologic effects due to air contamination produced as a result of laser radiation; or electrical shock or burns sustained as a result of operation of a laser;
- (c) "Laser radiation" means any electromagnetic radiation emitted from a laser system and includes all reflected radiation and any secondary radiation, or other forms of energy resulting from the primary laser beam;
- (d) "Laser System" means any device, machine, apparatus, or other facility, that applies a source of energy to a gas, liquid, crystal, or other solid substances or combination thereof in a manner that electromagnetic radiations of a relatively uniform wave length are amplified and emitted in a coherent beam, including but not limited to electromagnetic waves in the range of visible, infrared or ultraviolet

light, capable of transmitting the energy thus generated in a manner that may be harmful to living tissues;

- (e) "Person" means the State or any agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision or public or private corporation.

Authority: Ga. L. 1964, p. 499 et seq., as amended, and O.C.G.A. § 31-13-5.

Rule ~~290-5-27~~ 111-8-91-.02. Registration

- (1) No person may possess or operate a laser system without first registering, in writing, with the Department within thirty (30) days after the effective date of these regulations, the laser system, except as provided in paragraph (2) of this rule.
- (2) Any person acquiring a laser system after the effective date of these rules and regulations shall register, in writing, with the Department the laser system within thirty (30) days after the date of acquisition.
- (3) Any person possessing or operating a registered laser system may be required by the Department to re-register the system at intervals considered necessary by the Department to maintain a current inventory of the laser system.
- (4) If any person possessing or operating a laser system considers the registration of each source of laser radiation by type or strength to be impractical, he may apply, in writing, to the Department for blanket registration of the laser system. The Department may approve blanket registration of the laser system after considering the information submitted in the application and determining that registration of each source of laser radiation by type or strength is impractical.
- (5) All applications for any registration shall be in writing, on forms provided by the Department. Applications for any registration shall provide the following information:
 - (a) name and address of person possessing or operating the laser system;
 - (b) identification and type of the laser system;

Proposed Rule Changes in Chapter 290-5-27
Presented to the BCH for Initial Adoption on 8/13/2020

- (c) location of the laser system;
- (d) for continuous-wave lasers, the maximum power level at which the laser can be operated;
- (e) for pulse lasers, the maximum energy per pulse, pulse duration, and the maximum pulse repetition rate at which the laser can be operated;
- (f) the wavelength at which laser can be operated; and
- (g) other pertinent information that may be required by the Department to ascertain the identification, type, location, and operational characteristics of the laser system.

Authority: Ga. L. 1964, p. 499 et seq., as amended and O.C.G.A. § 31-13-5.

Rule 290-5-27 111-8-91 -.03. Injury Reporting

Any person possessing or operating a laser system shall report, in writing, to the Department within fifteen (15) days of detection of any injury to an individual, regardless of severity or extent, in the course of operating, handling, servicing, or manufacturing a laser system. Information as the Department might require concerning the injury shall be made available to the Department.

Authority: Ga. L. 1964, p. 499 et seq., as amended, and O.C.G.A. § 31-13-5.

Rule 290-5-27 111-8-91 -.04. Report of Discontinuance

Every person who has registered a laser system and who permanently discontinues the operation of, or permanently disposes of, his laser system shall notify the Department, in writing, within thirty (30) days of such action.

Authority: Ga. L. 1964, p. 499 et seq., as amended, and O.C.G.A. § 31-13-5.

Rule 290-5-27 111-8-91 -.05. Laser System Exempt from Registration

Proposed Rule Changes in Chapter 290-5-27
Presented to the BCH for Initial Adoption on 8/13/2020

No person may be required to register a laser system which cannot be energized or which is in transit.

Authority: Ga. L. 1964, p. 499 et seq., as amended, and O.C.G.A. § 31-13-5.

Rule ~~290-5-27~~ 111-8-91 -.06. Enforcement

The administration and enforcement of these rules and regulations shall be in accordance with ~~Chapter 88-3 of the Georgia Health Code~~ Official Code of Georgia Annotated § 31-13-10.

Authority: Ga. L. 1964, pp. 499, 518, and O.C.G.A. §§ 31-13-10 and 31-13-5.