



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

Rulemaking Notice Form

Notice Number: 2026-145

Rule Number: He-P 4040

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

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

2. **RSA Authority:** RSA 125-F:5, V
3. **Federal Authority:** 42 USC 2021(b)
4. **Action(s):** Readopt w/Amendment
5. **Short Title:** Registration of Radiation Machines, Magnetic Resonance Imaging Machines and Providers of Services
6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

He-P 4040 describes the process for the registration of ionizing radiation machines, magnetic resonance imaging (MRI) machines, out-of-state radiation or MRI machines, persons providing services for radiation or MRI machines and the evaluation of the need for shielding for new and modified ionizing radiation facilities.

The Department of Health and Human Services (Department) is proposing to readopt He-P 4040, effective April 24, 2026, as an interim rule, (Document #14566) with the following amendments:

- Including the option for applicants and registrants to use the new radiological health online portal;

- Revising some of the incorporated forms necessary for the registration of machines, disposition of machines, and the registration of service providers;
- Inserting that electron beam lithography machines and electron beam evaporators are not exempt from registration requirements;
- Changing language from “analytical x-ray radiation” to “non-healing arts radiation” to be consistent with the title of He-P 4043;
- Clarifying that radiation generating devices at energies exceeding one million electron volts shall be subject to the requirements of He-P 4034; and
- Inserting the option for online payment.

The proposal does not implement a state statute for the first time.

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

He-P 4040 affects registrants of radiation machines and MRI machines, and providers of services.

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

Rule	State or Federal Statute or Federal Regulation Implemented
He-P 4040.01 - He-P 4040.12	RSA 125-F:5, IV & V; RSA 125-F:7, II-IV; RSA 125-F:13
He-P 4040.13	RSA 541-A:22, IV

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

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

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

Tuesday, September 1, 2026

☒ **Fax**

☒ **Email**
☐ **Other**

9. Public hearing scheduled for:

Date: Tuesday, August 25, 2026

Time: 11:30 AM

Place: Dept. of Health and Human Services
Brown Building, Auditorium
129 Pleasant St.
Concord, NH 03301

Electronic Access, if applicable: N/A

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

FIS #: 26:120, dated: Thursday, July 2, 2026

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

There is no difference in cost when comparing the proposed rule to the existing rule.

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

No federal mandate, no impact on state funds.

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

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

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

Although the proposed rule modifies existing responsibilities, it does not mandate any fees, duties, or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.