



# Texas Department of State Health Services Radiation Safety Licensing Branch

## REGULATORY GUIDE 8.2

### GUIDELINES FOR ISSUING CERTIFICATES OF REGISTRATION DUE TO A CHANGE IN NAME AND/OR OWNERSHIP

#### I. Introduction

This guide describes general conditions that would require issuance of a new certificate of registration due to a change in name and/or ownership of a registrant using medical, dental, veterinary, or industrial x-ray machines, lasers, accelerators, or minimal threat machines, and radiation services. It also describes conditions involving a change in name and/or ownership that may require an amendment to an existing certificate of registration rather than issuing a new certificate of registration. Any change in name and/or ownership will be evaluated on a case-by-case basis by the Department of State Health Services, Radiation Safety Licensing Branch (Agency).

Title 25 Texas Administrative Code (TAC), chapter 289 prohibits the transfer of certificates of registration to other persons unless the Agency provides its consent in writing. The Agency should be notified in writing within 30 days of a change in name and/or ownership of an existing certificate of registration. If an application for a new certificate of registration is required, please visit our web site at [www.dshs.state.tx.us/radiation](http://www.dshs.state.tx.us/radiation) and access "Application Forms" or contact the agency at 512-834-6688.

For purposes of this guide, an "ownership change" refers to a change of the legal entity to which the certificate of registration is issued, whether through sale, merger, reorganization, or transfer of certain operations or assets of a corporation, partnership, or sole proprietorship. An ownership change does not necessarily result in a name change. Likewise, a name change does not necessarily result in an ownership change.

Regulatory Guides are issued to assist applicants and licensees/registrants in developing operational procedures acceptable to the Department of State Health Services, Radiation Safety Licensing Branch (agency), that are compliant with specific sections of Title 25 Texas Administrative Code Chapter 289. Regulatory Guides are NOT substitutes for regulations and compliance with them is not required. Methods for compliance with regulations different from those set out in guides will be acceptable if they are considered by agency staff to provide for public health and safety and demonstrate compliance with regulations.

Comments and suggestions for improvements in Regulatory Guides are encouraged. Letters containing comments and suggestions should be sent to the Group Manager, Radiation Safety Licensing Branch, Machine Source, Department of State Health Services, 1100 W. 49th Street, Austin, Texas 78756-3189. Regulatory guides may be reproduced or may be obtained by contacting the agency at (512) 834-6688 or accessing the agency web page at [www.dshs.state.tx.us/radiation](http://www.dshs.state.tx.us/radiation)

## **II. Guidance for X-Ray Machine Registrants**

### **A. A new registration is required for the following situations:**

#### **1. Ownership change with or without name change.**

- A. Notify agency in writing.
- B. New owner shall submit an application to include fees and completed Form RC 226-1 (Business Information Form).
- C. Previous owner shall submit a termination request for the original certificate of registration.

#### **2. Ownership change with or without a name change because of death of sole owner.**

- A. Notify agency in writing.
- B. New owner shall submit an application to include fees and completed Form RC 226-1 (Business Information Form).
- C. Previous owner's estate/heir(s) shall submit a termination request for the original certificate of registration.

#### **3. Ownership change with a physical location change.**

- A. Notify agency in writing.
- B. New owner shall submit an application to include fees and completed Form RC 226-1 (Business Information Form).
- C. Previous owner shall submit a termination request for the original certificate of registration.

#### **4. A certificate of registration with multiple names listed, separating into individual entities or businesses.**

- A. Notify agency in writing of business separation, signed by all individuals, or include legal documentation of sale.
- B. Submit a termination request for the original certificate of registration.
- C. Each individual shall submit an application to include fees and Form RC 226-1 (Business Information Form).

**Note:** If department is able to determine the original owner of the certificate of registration, the original owner may retain the registration.

**5. Division of ownership of a business with multiple sites into multiple separate entities or businesses.**

- A. Notify agency in writing of business separation, signed by all individuals, or include legal documentation of sale.
- B. Submit a termination request for the original certificate of registration.
- C. Each individual shall submit a new application for a specific site to include fees and Form RC 226-1 (Business Information Form).

**Note:** If department is able to determine the original owner of the certificate of registration, the original owner may retain the registration.

**B. Amendments to certificates of registration are required for the following situations:**

**1. Legal Name change or "Doing Business As"- name changes with same owner(s).**

- A. Notify the agency in writing.
- B. Submit new Form RC 226-1 (Business Information Form).
- C. Amended certificate of registration will be issued.

**2. Ownership change with or without name change because of death of a partner.**

- A. Notify Agency in writing.
- B. Submit new Form RC 226-1 (Business Information Form).
- C. Amended certificate of registration will be issued if there is a change in the Radiation Safety Officer and/or a change in the name of the business.

**III. Availability of forms needed for change in name and/or ownership.**

Application forms to apply for new certificates of registration, business information forms, and termination forms are available on the Radiation Control web site at [www.dshs.state.tx.us/radiation](http://www.dshs.state.tx.us/radiation) and choose "Application/Forms" from the menu on the right.

For additional information, please call 512-834-6688.