



North Carolina Department of Health and Human Services  
Division of Health Service Regulation

Pat McCrory  
Governor

Richard O. Brajer  
Secretary

Mark Payne  
Assistant Secretary for Audit and  
Health Service Regulation

## MEMORANDUM

**TO:** North Carolina Registered and Licensed Facilities

**FROM:** Radiation Protection Section (RPS)

**DATE:** August 11, 2006

**SUBJECT:** Denied Access to Perform Inspections

**RE:** *G.S. 104E-11. Inspections, agreements, and educational programs.*

*(a) Authorized representatives for the Department shall have the authority to enter upon any public or private property, other than a private dwelling, at all reasonable times for the purpose of determining compliance with the provisions of the Chapter and rules, regulations and standards adopted hereunder.*

There are more than 14,000 regulated facilities in the state of North Carolina that must be inspected on a standard frequency determined by the internal policies of RPS. Due to the sheer number and the geographical location of these facilities it is difficult to schedule inspections; therefore the policy of RPS is not to schedule inspections. The goal of this agency is to enter the facility and perform the required inspection as quickly and unobtrusively as possible.

The statute gives RPS the authority to enter a facility to perform inspections during reasonable times. Reasonable times are considered to be the operating hours of Monday through Friday between 8:00 a.m. and 5:00 p.m. When you registered with our agency, you agreed to afford RPS the opportunity to inspect your facility during reasonable times. In the event that an inspector is denied access during reasonable times, we will seek an administrative search warrant to perform the required inspection.

The ultimate goal of RPS is to foster and maintain a cooperative working relationship with our regulated community. While we recognize that facilities have busy schedules, our agency strives to be efficient and effective with our resources in order to fulfill the responsibilities to the citizens of North Carolina.

Radiation Protection Section  
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