

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

The information contained in the Initial Statement of Reasons (ISOR) at the time of Public Notice remains unchanged. The ISOR is hereby incorporated by reference in the Final Statement of Reasons.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF FEBRUARY 22, 2013 THROUGH APRIL 8, 2013.

This regulation (DPH 10-013) was made available to the public from February 22, 2013, and ended at 5:00 pm on April 8, 2013. A request for a public hearing was not received and, thus, no public hearing was held. The written proceeding produced comments from the individuals listed in Addendum 1:

Comments and Response

Comments from commenters one through three are duplicative and are addressed in whole.

Commenters one through three support and are in agreement with the proposed language of the regulations.

Response: CDPH thanks the commenters and appreciates the expression of support.

STATEMENTS OF DETERMINATIONS

ALTERNATIVES STATEMENT

The Department has determined that in order to maintain compatibility with existing state statute (Health and Safety Code sections 1226.1 and 121362), to allow the same flexibility in the selection of required TB screening tests across regulatory sections, and to protect the health of persons who may be affected by undetected latent TB infection by ensuring use of CDC guidelines and recommendations for TB screening testing, no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposed action; or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

LOCAL MANDATE

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Department has made the determination that these regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California business to compete with businesses in other states. The proposed regulations would not significantly affect:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

The regulation supports the health and welfare of California residents and worker safety by updating regulations which currently specify the use of a TB skin test to also allow the use of newer TB screening tests. This regulation will allow more flexibility in the choice of TB screening tests.

Addendum 1		
Comments from the initial 45-day comment period.		
Type	Name	Organization
<u>1.</u> (WT)	Honorable Tricia Hunter, RN, MN, Executive Director and Lobbyist	American Nurses Association\California
<u>2.</u> (WT)	Kim M. Delahanty, RN, BSN, PHN, MBA/HCM,CIC, Administrative Director, Infection Prevention/Clinical Epidemiology Unit & TB Control	University of California San Diego Health Systems
<u>3.</u> (WT)	Barbara Crawford, RN, MS, Vice President, Quality and Regulatory Services	Kaiser Foundation Health Plans and Hospitals, Northern California

Addendum 2	
The comments summarized in this section are from the persons listed in Addendum 1.	
Type	Summary
<u>1</u>	Commenter stated “The American Nurses Association/California is very comfortable with the proposed language for TB screening.”
<u>2a</u>	Commenter stated that UCSD Health System is “in agreement with the proposed changes to the regulation.
<u>2b</u>	Commenter stated “Having this language imbedded in the regulation with decrease needless paperwork when addressing new and emerging screening technologies for latent TB in health care workers.”

<u>3a</u>	Commenter stated that Northern California Kaiser Foundation Hospitals (KFH) “agree that managing the healthcare environment and controlling the spread of TB is one of the challenges facing facilities today.”
<u>3b</u>	Commenter stated “KFH wants to acknowledge and applaud the Department’s proposed regulatory language ensuring the alignment of these regulations to that of the CDC (Center for Disease Control) recommendations and guidelines. This agency provides high quality reliable guidelines and their recommendations for TB screening methodologies remains consistently current with the work being done in the health care field.”
<u>3c</u>	Commenter stated “By aligning with CDC recommendations, State regulations will give facilities the flexibility to use their current testing methods but also be able to use an approved alternative testing method which is most appropriate to the individual employee. This reduces the administrative burden to both licensed facilities and CDPH as there will no longer be a need for using the program flexibility process to allow for a screening test beyond the method currently specified in Title 22.”