

FINAL STATEMENT OF REASONS

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

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF NOVEMBER 30, 2012 THROUGH JANUARY 14, 2013.

This regulation (DPH-10-006) was made available to the public from November 30, 2012 through January 14, 2013, ending at 5:00 p.m. A request for a public hearing was not received and, thus, no public hearing was held. The written proceeding produced comments from those noted below.

List of Commenters during Initial 45-day Proceeding

(Written testimony)

1. Gerald J. Laursen, Orthopedics Department, Kaiser Permanente
2. Jim Cotton, Department of Orthopedics, Kaiser Permanente
3. Valley Imaging Partnership, West Covina, CA (comment letter signed by Donald Kaiserman, MD, Kevin Kaiserman, MD, Edward Cefala, MD, Peter Chow, MD, Adil Mazhar, MD, Roben Ahdoot, MD, and David Lin, MD)
4. Jay Haischer
5. Roxanne Munyon, San Francisco, CA
6. Adam Marks, President, California Academy of Physician Assistants (CAPA) - (Teresa Anderson, Public Policy Director, CAPA, emailed support letter from Mr. Marks)
7. Aarti Kumari
8. Stacey Duncan
9. BJ Bartleson, Vice President, Nursing & Clinical Services, California Hospital Association, Sacramento, CA

Summary of comments and responses

Note: The first digit of the number designation identifies the Commenter as listed above. The digit(s) after the decimal point indicate the identified comment from that commenter.

1.1 Commenter concurs with fluoroscopy permits for physician assistants.

Response: The Department appreciates the indication of support for adoption of the proposed regulations.

2.1 Commenter indicates support for adoption of the proposed regulations.

Response: The Department appreciates the indication of support for adoption of the proposed regulations.

3.1 Commenter indicates support for adoption of the proposed regulations.

Response: The Department appreciates the indication of support for adoption of the proposed regulations.

4.1 Feels experienced CRTs who hold fluoroscopy permits should be authorized to conduct the procedures that this legislation proposes. Objects to allowing additional non-radiology trained personnel into the environment.

Response: The legislation these proposals are implementing does not identify any procedures. Further, the commenter disagrees with the legislation; however, this comment is outside the scope of this proposal. Therefore, no change is made to this proposal due to this comment.

5.1 Objects to Physician Assistants (PA) doing the work of educated and trained Radiologic Technologists. Feels the additional 55 hours that is proposed is not nearly enough.

Response: This proposal implements the wishes of the people of California through their elected representatives of the Legislature. As proposed and discussed in the Initial Statement of Reasons, a PA would have to complete 80 hours of training and education. It appears the commenter is confusing this proposal with the 55 hour requirement specified in section 30423 regarding education requirements for the radiologic technologist fluoroscopy permit. Therefore, no changes to the proposal are made.

6.1 Commenter indicates support for adoption of the proposed regulations.

Response: The Department appreciates the indication of support for adoption of the proposed regulations.

7.1 Feels it should be at the discretion of the PA to obtain the fluoroscopy permit and not a standardized requirement.

Response: It is within the discretion to obtain or not to obtain the proposed permit. A PA who wants to use fluoroscopy equipment must meet the proposal. Therefore, no changes to the proposal are made.

7.2 Healing arts licentiates such as MD, DO, DC, DPM have to pay a one-time application fee of \$85 and a renewal fee of \$70 after two years, which totals to \$155 after three years. PAs have to pay a one-time fee of \$98 and then \$52 each year, which totals to \$202 for three years. Does not agree that PAs have to pay more for the same licensure or permit.

Response: The proposed fees are based on Department costs as presented and discussed in the Initial Statement of Reasons. The fees for healing arts licentiates were also based on Department costs in 2003 because these were adopted in 2005. Thus, fees are based on the Department cost and not the ability of a person to pay. Therefore, no changes to the proposal are made.

8.1 Commenter concurs with fluoroscopy permits for physician assistants.

Response: The Department appreciates the indication of support for adoption of the proposed regulations.

9.1 Commenter concurs with fluoroscopy permits for physician assistants.

Response: The Department appreciates the indication of support for adoption of the proposed regulations.

ADDITIONAL COMMENT PERIODS

The text as initially noticed to the public was not modified, therefore, no additional comment period was held.

ALTERNATIVES DETERMINATION: In accordance with Government Code Section 11346.9(a)(4), the Department has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

IMPOSITION OF LOCAL MANDATE

The Department has determined that the regulation 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, nor are there any other nondiscretionary costs imposed.

IMPACT ON BUSINESS

The Department has determined that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.