State of California—Health and Human Services Agency
California Department of Public Health

RON CHAPMAN, MD, MPH
Director & State Health Officer

EDMUND G. BROWN JR.
Governor

ACTION: Notice of Proposed Rulemaking
Title 17, California Code of Regulations

SUBJECT: Radiologic Technology Act Regulations, DPH-10-014

PUBLIC PROCEEDINGS: NOTICE IS HEREBY GIVEN that the California Department of Public Health (Department) will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

PUBLIC HEARING: No public hearing has been scheduled; however, any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8. For individuals with disabilities, should a public hearing be scheduled, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of written public hearing materials into Braille, large print, audiocassette, or computer disk. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

To request such services or copies of materials in an alternate format, please write to Linda M. Cortez, Office of Regulations, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, or call (916) 440-7807, or use the California Relay Service by dialing 711.

WRITTEN COMMENT PERIOD: Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on December 31, 2012, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711. Written comments may be submitted as follows:

1. By email to: regulations@cdph.ca.gov. It is requested that email transmission of comments contain the regulation package identifier "DPH-09-014" in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission: (916) 440-5747;
3. By mail to: Office of Regulations, California Department of Public Health, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377; or
4. Hand-delivered to: 1616 Capitol Avenue, Sacramento, CA 95814.

Any inquiries or written comments should contain the regulation package identifier, DPH-10-014.

It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

CONTACT INFORMATION:
Questions regarding the subject matter of the regulation should be directed to:

Phillip L. Scott, Senior Health Physicist
Center for Environmental Health
California Department of Public Health
P.O. Box 997377, Sacramento, CA 95899-7377
(916) 440-7978

Questions regarding the regulatory process described in this notice should be directed to:

Linda M. Cortez, Regulations Coordinator
Office of Regulations
California Department of Public Health
P.O. Box 997377, MS 0507, Sacramento, CA 95899-7377
(916) 440-7807

In the event the contact person named above is unavailable, inquiries should be directed to the following back-up person:

Alana McKinzie, Staff Services Manager II
Office of Regulations
California Department of Public Health
P.O. Box 997377, MS 0507, Sacramento, CA 95899-7377
(916) 440-7689

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW: The Radiologic Technology Act (RT Act) codified in Health and Safety Code (H&S Code), sections 106965 through 107120 and sections 114840 through 114896, was enacted into California law in 1969 to protect the public and radiation workers from excessive or improper exposure to ionizing radiation. The RT Act requires that any individual who use X-rays on human beings meet certain standards of education, training, and experience. The California Department of Public Health (Department) is authorized

under the RT Act, to promulgate regulations to implement the Act's provisions. (H&S Code 131055 & 131200.[1])

Radiologic technology means the application of X-rays on human beings for diagnostic or therapeutic purposes. (H&S Code 114850(c).) The term "radiography" is commonly used by the health industry, and more specifically by the radiology community, to refer to diagnostic X-ray procedures and the term "radiation therapy" is used to refer to therapeutic X-ray procedures. "Mammographic X-ray," which is a subset of radiography, is usually called "mammography" and generally refers to diagnostic X-ray procedures of the human breast; however, there are statutory definitions that affect this terminology. These distinctions are used throughout this document and clarified as necessary.

Pursuant to the RT Act, the Department:

- Certifies individuals as radiologic technologists in diagnostic, therapeutic, and mammographic X-ray use. An individual certified as a radiologic technologist is called a certified radiologic technologist (CRT).
- Permits individuals as limited permit X-ray technicians in specific permit categories. Limited permits are permits authorizing the holder to conduct radiologic technology limited to the performance of certain procedures or the application of X-ray to specific areas of the human body, except for a mammogram. (H&S Code 114850(e).) An individual granted a limited permit is called a limited permit X-ray technician (XT).
- Certifies and permits licensed medical, osteopathic, podiatric, and chiropractic doctors for the use of diagnostic or therapeutic X-rays within the scope of their professional license. These individuals are called "licentiates of the healing arts" ("licentiates") as defined in H&S Code 114850(h)(1). Once a licentiate is certified or permitted under the RT Act, they are called a "certified supervisor or operator" as defined in H&S Code 114850(i); and
- Approves schools that provide the training courses required for obtaining a non-licentiate certificate or permit.

The RT Act also created the Radiologic Technology Certification Committee (RTCC) to assist, advise, and make recommendations for the establishment of rules and regulations necessary to insure the proper administration and enforcement of the RT Act. (H&S Code 114855.)

As implemented within regulations (Title 17, California Code of Regulations (17 CCR), sections 30400[2] et seq.) the overall current structure of certification of individuals and approval of schools under the RT Act is as follows:

1. Certificates & Permits issued to non-licentiates:

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[1] This short format "H&S Code 131055" for a given Health and Safety Code section will be used throughout this document for brevity.

[2] The short format "17 CCR 30400" for a given regulation will be used throughout this document for brevity.

- Certificate in diagnostic radiologic technology (17 CCR 30440)
- Certificate in therapeutic radiologic technology (17 CCR 30440)
- Certificate in mammographic radiologic technology (must also possess certificate in diagnostic radiologic technology) (17 CCR 30455.1)
- Radiologic technologist fluoroscopy permit (must also possess certificate in diagnostic radiologic technology) (17 CCR 30451)
- Limited permits in the following categories (17 CCR 30442 & 30443):
  - Chest, Dental X-ray laboratory, Dermatology X-ray therapy, Extremities, Gastrointestinal, Genitourinary, Leg-podiatric, Skull, X-ray bone densitometry, and Torso-skeletal radiography.

2. **Certificates & Permits issued to licentiates** (17 CCR 30466)
   - Fluoroscopy supervisor and operator permit
   - Radiography supervisor and operator permit
   - Dermatology supervisor and operator permit
   - Radiology supervisor and operator certificate
3. **Approved Schools in:**
   - Radiologic technology
     - Diagnostic (17 CCR 30421)
     - Therapeutic (17 CCR 30422)
     - Technologist Fluoroscopy Permit (17 CCR 30423)
   - Limited Permit X-ray Technician categories (17 CCR 30424, 30425, 30427, & 30427.2)
     - See item 1 regarding Limited Permit categories.

Private organizations, such as the American Registry of Radiologic Technologists (ARRT), certify individuals in the use of X-rays for medical purposes and ensure that schools educating and training the individuals provide the quality training necessary. Individuals who are certified meet specific didactic coursework content and clinical competencies in the radiologic sciences. ARRT's requirements for diagnostic radiography follow:

- Didactic coursework content specifications:
  - Radiation protection;
  - Equipment operation and quality control;
  - Image acquisition and evaluation;
  - Imaging procedures; and
  - Patient care and education.
- Competence demonstration in:
  - 6 mandatory general patient care activities;
  - 31 mandatory imaging procedures; and
  - 15 elective imaging procedures (selected from 35 specific procedures).

The American Society of Radiologic Technologists (ASRT) is a professional association for the medical imaging and radiation therapy community that advances the medical imaging (i.e. radiography) and radiation therapy profession and enhances the quality of

patient care, through education, advocacy, and research. ASRT uses ARRT's radiography content specifications, in developing, maintaining, and updating the curriculum to ensure quality radiologic services are provided to patients. Proposed curriculum is publicly available for review and comment by the public and professional community. Once formally adopted, the curriculum is used nationally by schools providing education and training in the radiologic sciences.

The Joint Review Committee on the Education in Radiologic Technology (JRCERT) is a private organization that is recognized by the U.S. Department of Education as an accreditation organization for radiologic science educational programs. JRCERT establishes standards for such programs teaching radiography and radiation therapy, one of which requires the schools' adopted curriculum to be the latest version of the ASRT's curriculum. The Department currently considers JRCERT accreditation sufficient for meeting Department curriculum requirements (17 CCR 30421 & 30422) in accordance with the authority granted by the RT Act. (H&S Code 107050.)

During the 2009-2010 Legislative session, the Governor signed into law, Senate Bill (SB) 1332 (Statutes of 2010, chapter 525). SB 1332 mandated the Department to approve diagnostic or therapeutic radiologic technology schools that are also JRCERT-accredited as approved schools, provided the Department established an agreement with JRCERT. This legislation provided an alternative approval process for JRCERT-accredited schools to maintain the Department-approval while allowing time for the Department to formally address JRCERT's standards through regulation. To provide the time necessary for adoption of regulations, SB 1332 mandated adoption, through a specific process in lieu of the normal rulemaking process specified in the Administrative Procedures Act, of JRCERT's standards for diagnostic and therapeutic RT schools. Those standards were officially adopted on March 3, 2011. However, provisions enacted through SB 1332 are scheduled to sunset (e.g. be repealed by operation of law) on January 1, 2015. Therefore, this proposal addresses JRCERT-accredited RT schools to ensure this alternative approval process remains after SB 1332 sunsets.

In 2007, the RTCC established subcommittees to review and provide advice on current regulatory requirements including school curriculum. At the March 2010 meeting, RTCC accepted the subcommittee's reports regarding radiologic technology (RT) certification schools and recommended to the Department regulatory changes for both diagnostic and therapeutic RT schools. At other public meetings, RTCC made other recommendations addressing administration of the RT Act. Therefore, this proposal addresses RTCC's recommendations and other Department-determined needs regarding the administration of the RT Act in general.

On October 26, 2011, an initial draft proposed regulation addressing the above RTCC recommendations was presented to the RTCC and the public for review and discussion. The draft proposal was also posted on the Department's website on October 27, 2011. Based on comments received from RTCC members and attendees, the draft regulations were revised, sent to RTCC members and school program directors and posted on the Department's website prior to, and presented at, the RTCC's May 2, 2012 public

meeting. These proposal further addresses comments received at that meeting.

The authority and reference citations of sections being amended, resulting in nonsubstantial changes pursuant to 1 CCR 100, reflect the:

- Numbering system implemented by the 1995 recodification of the Health and Safety Code, and
- Reorganization of the Department of Health Services into the Department of Health Care Services and the California Department of Public Health, pursuant to SB 162. (Stats. 2006, ch. 241.)

Problem Statement: The Department's radiologic technology regulations implementing the RT Act are outdated since they were last amended in 1985. These outdated regulations hamper the Department's enforcement efforts and fail to address recent legislation pertaining to training and school approvals. RTCC provided numerous recommendations to update X-ray school regulations for consistency with national education standards.

Objectives: Broad objectives of this proposed regulatory action are to:

- Address RTCC recommendations pertaining to X-ray schools.
- Update existing regulations to coincide with recent legislation.
- Enable the Department to properly enforce the regulations for radiologic technologist and X-ray technician training and education.

Benefits: Anticipated benefits, including nonmonetary benefits, from this proposed regulatory action are:

- Increased protection of public health and safety by ensuring individuals who apply X-ray to people are properly trained.
- Increased worker safety by ensuring authorized persons maintain safe practices when using radiation.
- Consistency with national education standards.
- Clear application processes for compliance with the RT Act.
- Updated regulations to provide clarity for schools, students, and applicants.

Evaluation as to whether the proposed regulations are inconsistent or incompatible with existing state regulations:
The Department evaluated this proposal and determined that it, if adopted, will not be inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department's existing general regulations and those regulations specific to the implementation of the RT Act. An Internet search of other state agency regulations determined that no other state regulation addresses the same subject matter.

The regulations interpreting, specifying, or implementing the RT Act are in 17 CCR, sections 30400 et seq. The proposed changes are:

Adopt **section 30400** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to identify and define terms used within this proposal and existing regulations.

Repeal **section 30400.5** and recodify the defined term to section 30400.

Repeal **section 30400.40** and recodify the defined term to section 30400.

Repeal **section 30400.60** and recodify the defined term to section 30400.

Repeal **section 30400.85** and recodify the defined term to section 30400.

Repeal **section 30400.95** and recodify the defined term to section 30400.

Amend the title of **Article 3** to reflect the content of sections within the article. This is a nonsubstantial change.

Amend **section 30403** to both address the problems and realize the benefits as stated above regarding this regulatory action, to address RTCC's recommendations that individuals who use fluoroscopy X-ray equipment obtain four approved continuing education credits (CEC) in radiation safety for the clinical uses of fluoroscopy and that four credits be devoted to education in digital radiography, and to restructure the section for clarity. A change in the total number of required CEC's is not proposed.

Amend **section 30403.5** to both address the problems and realize the benefits as stated above regarding this regulatory action and to address changes within this proposal, modify what information must be submitted for approved continuing education credit, and to require that when licentiates renew their authorization they include the license number and expiration date indicated on their healing arts license. The section is restructured to maintain a coherent structure and is a nonsubstantial change.

Amend **section 30403.8** to both address the problems and realize the benefits as stated above regarding this regulatory action, to reduce the record retention requirement from five years to four years, and to make other changes due to changes within this proposal.

Amend the title of **Article 4** to reflect the content of sections within the article. This is a nonsubstantial change.

Amend **section 30404** to both address the problems and realize the benefits as stated above regarding this regulatory action, to require any person who holds a certificate or permit to provide the facility with a copy of the person's authorization, and to shorten the section by combining language.

Amend **section 30405** to both address the problems and realize the benefits as stated regarding this regulatory action and to clarify Department actions relating to processing applications.

Amend **section 30406** to both address the problems and realize the benefits as stated regarding this regulatory action and to make nonsubstantial changes to the authority and reference citation note.

Amend **section 30408** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to make nonsubstantial changes for consistency with other proposed changes. No changes to fee amounts are proposed.

Adopt **section 30409** within Article 7 of Group 1 of Subchapter 4.5 to both address the problems and realize the benefits as stated regarding this regulatory action and to specify the schedule of fees applicable to schools as currently found in section 30408 subsections (g) through (k). A change in fees is not proposed. This is a nonsubstantive change.

Amend **section 30410** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to correctly reference that section under which schools are approved.

Adopt **section 30411** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify restrictions and permissions relating to schools.

Adopt **section 30412** to both address the problems and realize the benefits as stated above regarding this regulatory action, to specify the types of school approvals issued by the Department, to identify the content of an approval application, including an application for renewal of an approval, to specify the time for which an approval is valid, and to inform applicants that they are subject to both announced and unannounced inspections.

Adopt **section 30413** to both address the problems and realize the benefits as stated above regarding this regulatory action and to specify what a school, applying for approval to provide training and education, must submit before an approval can be issued.

Adopt **section 30413.5** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to specify how a school re-validates its approval.

Adopt **section 30414** to both address the problems and realize the benefits as stated above regarding this regulatory action, to specify how an approved school obtains approval to use a clinical site that was not approved during the school's initial review, to

specify the period of time for which the site may be used, and to specify the calculation method for determining the maximum number of students allowed at the clinical site.

Adopt **section 30415** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to specify the minimum content that must be contained in an affiliation agreement between an approved school and a clinical site.

Adopt **section 30416** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to specify the circumstances under which an approved school can be authorized to use clinical sites outside of Department jurisdiction.

Adopt **section 30417** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify the supervisory relationships, responsibilities, and roles of individuals involved in the training of students.

Adopt **section 30418** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to specify school personnel and personnel qualifications requirements, as recommended by the RTCC.

Adopt **section 30419** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to identify the responsibilities of the program director, clinical coordinator, and didactic instructors.

Amend **section 30420** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to specify that each school must have a radiation protection program and what the radiation protection program must address.

Amend **section 30421** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to address the RTCC's recommended changes to the diagnostic radiologic technology certification curriculum.

Amend **section 30422** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to address the RTCC's recommended changes to the therapeutic radiologic technology certification curriculum.

Amend **section 30423** to both address the problems and realize the benefits as stated above regarding this regulatory action, to update and clarify fluoroscopy curriculum, and to specify when the new curricula apply.

Amend **section 30424** to both address the problems and realize the benefits as stated above regarding this regulatory action, to remove a time limit that is no longer needed, and to address the RTCC's recommendations.

Amend **section 30425** to both address the problems and realize the benefits as stated above regarding this regulatory action, to address the RTCC's recommended changes

for limited permit X-ray technician schools teaching the dental laboratory category, and to make nonsubstantial changes for consistency with this proposal.

Repeal **section 30427** as recommended by the RTCC.

Amend **section 30427.2** to both address the problems and realize the benefits as stated above regarding this regulatory action, to address the RTCC's recommendation, and to make nonsubstantial changes for consistency with this proposal.

Repeal **Article 5, On-The-Job Training for X-ray Technicians,** due to the deletion of section 30428.

Repeal **section 30428** as recommended by the RTCC.

Redesignate **Article 6, Notification** to Article 5, due to the repeal of Article 5 and section 30428.

Amend **section 30435** to both address the problems and realize the benefits as stated above regarding this regulatory action, to reduce reporting requirements, and to make nonsubstantial changes for consistency with this proposal.

Redesignate **Article 7, Disciplinary Action** to Article 6, for consistency with this proposal.

Amend **section 30436** to both address the problems and realize the benefits as stated above regarding this regulatory action, to specify and clarify reasons for taking certain actions to suspend or revoke a school's authorization, and to make nonsubstantial changes.

Redesignate **Article 8, Additional School Requirements and Recordkeeping** to Article 7, for consistency with this proposal.

Amend **section 30437** to both address the problems and realize the benefits as stated above regarding this regulatory action, and for clarity and consistency with this proposal.

Amend **Article 1** of Group 3, for clarity and consistency with this proposal.

Amend **section 30440** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to consolidate and clarify the eligibility and application process for obtaining a radiologic technology certificate.

Repeal **section 30441** and recodify its content into section 30440. This is a nonsubstantial change.

Amend **section 30442** to both address the problems and realize the benefits as stated above regarding this regulatory action, to address the RTCC's recommendations to discontinue certain limited permit categories, and to make nonsubstantial changes to the title of the section and the authority and reference note.

Amend **section 30443** to both address the problems and realize the benefits as stated above regarding this regulatory action, to clarify that the specified limited permit scopes are further restricted by section 30447, and to correctly identify authority and reference citations.

Amend **section 30444** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to consolidate and clarify the eligibility and application process for obtaining a limited permit.

Repeal **section 30445** and redesignate its content to section 30444.

Amend **Article 1** of Group 4.5 for clarity and consistency with this proposal.

Repeal **section 30445.1,** because its provisions have expired and the section is no longer needed.

Amend **section 30446** to correctly identify authority and reference citations.

Amend **section 30447** to both address the problems and realize the benefits as stated above regarding this regulatory action, to remove obsolete verbiage, and for consistency with the term "digital radiography" as proposed in section 30400.

Amend **section 30450** to both address the problems and realize the benefits as stated above regarding this regulatory action, to specify who is not required to obtain the fluoroscopy permit, and to make clarifying, nonsubstantial changes.

Amend **section 30451** to both address the problems and realize the benefits as stated above regarding this regulatory action, to address the RTCC's recommendation, and to consolidate and clarify the eligibility and application process for persons seeking to obtain a radiologic technology fluoroscopy permit.

Repeal **section 30452** and consolidate some of its components with section 30451.

Amend **Article 1** of Group 4.5 for consistency. This is a nonsubstantial change.

Amend **section 30455.1** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarity what must be submitted for eligibility to obtain a mammographic radiologic technology certificate.

Amend **section 30460** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify the scope of the radiology

supervisor and operator certificate. The title of the section is amended to more clearly indicate the section's content. The provisions of the section are given subsection designators to maintain a coherent structure.

Amend **section 30461,** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify both the permit categories for licentiates of the healing arts and the scope of each permit.

Amend **section 30462** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify that a radiology supervisor and operator certificate is issued only to licentiates of the healing arts who practice as a radiologist or radiation oncologist.

Amend **section 30463** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify that a fluoroscopy permit is required when the licentiate supervises students in an approved school.

Amend **section 30464** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify that a radiography permit is required when the licentiate supervises students in an approved school.

Amend **section 30465** to both address the problems and realize the benefits as stated above regarding this regulatory action, to clarify when the permit is required, and to make nonsubstantial changes to the title of the section and the authority and reference note.

Amend **section 30466** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify what must be submitted for eligibility to obtain any of the specified authorizations.

Amend **section 30467** to both address the problems and realize the benefits as stated above regarding this regulatory action, to recodify the current provision into section 30466, and to address H&S Code 114870(f) as to when a licensed physician must possess an X-ray bone densitometry supervisor and operator permit.

Amend **section 30468** to both address the problems and realize the benefits as stated above regarding this regulatory action, to recodify the current provision into section 30466, and to specify that Department-issued authorizations issued to licentiates of the healing arts are valid only if the licentiates' healing arts license is also current and valid.

Redesignate **Group 7 of Subchapter 4.5** to "Subchapter 4.6." This nonsubstantial change structurally places sections 30470 – 30499 into their own subchapter rather than within the subchapter pertaining to radiologic technology.

Redesignate **Subchapter 4.6** to new "Subchapter 4.7." This nonsubstantial change structurally places sections 30500 – 30543 into a new Subchapter.

AUTHORITY AND REFERENCE CITATIONS: The Department is proposing to adopt, amend, or repeal the regulation sections identified under the authority provided in sections 114870, 131050, 131051 and 131200, of the Health and Safety Code. This proposal implements, interprets and makes specific sections 106965, 106975, 106985, 106990, 106995, 107000, 107005, 107010, 107015, 107035, 107055, 107070, 107080, 107090, 107095, 107100, 107110, 107111, 114870, 114845, 114850, 114870, 114880, 131050, 131051 and 131052, of the Health and Safety Code.

MANDATED BY FEDERAL LAW OR REGULATIONS: N/A

OTHER STATUTORY REQUIREMENTS: N/A

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS: 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. Though the proposal does not impose a local mandate, a mandate is imposed when a local agency or school district decides to become an approved X-ray school. However, costs are not reimbursable because becoming an X-ray school is discretionary.

FISCAL IMPACT ESTIMATE:

A. FISCAL IMPACT ON LOCAL GOVERNMENT: Local government schools, of which there are seven, such as the East Los Angeles Occupational Center, will realize a savings of $190.00 as described in Item D for a total annual savings of $1,330.00.

B. FISCAL IMPACT ON STATE GOVERNMENT:

1. State government schools, of which there are 17, such as Community Colleges, California State University, and University of California systems will realize an annual savings of $190.00 as described in Item D for a total annual savings of $3,230.00.

2. Revenues from fees into the Radiation Control Fund will decrease annually by $6,270.00.

C. FISCAL IMPACTS ON FEDERAL FUNDING OF STATE PROGRAMS: None.

D. FISCAL IMPACT ON PRIVATE PERSONS OR BUSINESSES DIRECTLY AFFECTED: Approved diagnostic radiologic technology schools that are accredited by the Joint Review Committee on Education in Radiologic Technology (JRCERT) will realize a savings of $190.00. This savings occurs because JRCERT-accredited schools, for purposes of the schools' graduates being eligible to take the radiologic technologist fluoroscopy examination, will no longer need to obtain the additional approval as an approved radiologic technologist fluoroscopy school. Currently, there are 33 approved diagnostic radiologic technology schools that are JRCERT-accredited that are also approved as a radiologic technologist

fluoroscopy school. Current annual fee for all schools is $190.00; thus, there will be a statewide annual savings of $6,270.00 ($190 x 33). Of the 33 schools, nine are operated by private persons.

E. OTHER NONDISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES: None.

STATEWIDE EFFECT ON HOUSING COSTS: The Department has determined that the regulations will have no impact on housing costs.

RESULT OF ECONOMIC IMPACT ANALYSIS

STATEWIDE EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION: The Department has determined that the regulations affect the following as described:

1. **The creation or elimination of jobs within the State of California.** This proposal may create jobs in the following areas:
   - Continuing education (CE) providers: Because this proposal would require certified and permit individuals to obtain certain types of CE credits if the individual possess certain authorizations, CE providers may need to hire additional personnel to meet the CE demand.
   - X-ray Schools: Because this proposal would require schools to have certain personnel meeting specific criteria, schools may need to hire additional personnel to comply with the proposal.
2. **The creation of new businesses or the elimination of existing businesses within the State of California.** This proposal may create new businesses such as CE providers to meet demand for CE credit specific to fluoroscopy and digital radiography.
3. **The expansion of businesses currently doing business within the State of California.** Businesses may expand somewhat to meet demand for CE credit specific to fluoroscopy and digital radiography.
4. **The benefits of the regulation to the health and welfare of California residents, worker safety, and the state environment.** This proposal significantly increases the benefits to the health and welfare of California residents and worker safety because it ensures users of X-ray equipment have met specific training, education and experience requirements. Competency of such users ensures operators can safely and competently keep a patient's radiation exposure to a minimum and protect themselves, and other workers, from receiving unnecessary radiation exposure. This proposal would not significantly affect the state's environment because the radiation energy emitted from the use of X-ray equipment dissipates to normal atomic structures without environmental contamination.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS: The Department has determined that the proposed regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

STATEWIDE EFFECT ON SMALL BUSINESS: The Department has determined that there would be an effect on small business subject to these regulations because small businesses would be required to comply with the regulations.

REPORTING REQUIREMENT: The Department's current regulations, which were adopted in 1985, contain reporting requirements that were determined to be necessary for the health, safety, or welfare of the people of California. The proposed regulations reduce or limit those reporting requirements and remove other reporting requirements because some reporting requirements were no longer necessary. However, the reporting requirements that are maintained continue to protect the health, safety, or welfare of the people of California.

CONSIDERATION OF ALTERNATIVES: The Department must determine that 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 or would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in addressing RTCC's recommendations. Alternatives considered in this proposal are discussed or addressed in the detailed discussion of each regulation in the Initial Statement of Reasons.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE: The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1616 Capitol Avenue, Sacramento, CA 95814, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 327-4310 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT: The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

AVAILABILITY OF FINAL STATEMENT OF REASONS: A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

AVAILABILITY OF DOCUMENTS ON THE INTERNET: Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

DPH-10-014

Date: 10/10/12

Ron Chapman, MD, MPH
Director & State Health Officer