**NOTICE OF PUBLIC HEARING**

**For Blood Centers of California Petition**

**Title 17, California Code of Regulations, Section 1002(A)(2)**

**Notice Mailed: October 6, 2017**

On December 30, 2016, the California Department of Public Health (Department) received a letter on behalf of Blood Centers of California (BCC) requesting the Department to amend California Code of Regulations, title 17, section 1002(a)(2). Specifically, BCC requested the following change:

“(2) The employee placed in charge, in the absence of a qualified physician must be a registered nurse. The Registered nurse shall be available for consultation via the telephone, audio/video – real time chat (synchronous) or other electronic means.”

In support of its request, BCC stated that the registered nurse (RN) shortage in California has led to cancelled blood drives which in turn negatively affect the blood supply. BCC also stated that while donor reactions occur, staff have sufficient training and protocols to address any occurrences and the use of telehealth RNs is a solution to the shortage of RNs at collection sites. BCC further stated that California is the only state that still mandates a RN be present at all sites collecting blood.” Their letter is considered a petition for rulemaking under Government Code section 11340.6.

Following a review of the petition and any related materials, the Department determined that it would not initiate a rulemaking action as requested.

Then on April 27, 2017, BCC submitted a request for reconsideration of the Department’s determination. In support of its request, BCC’s rational included the following summary points:

* The paucity of available Registered Nurses
* The required safety requirements for blood
* The biggest cost drivers for blood pricing:
  + Unfunded safety requirements
  + Lagging reimbursement mechanisms
  + Salaries and benefits not in sync with other health care areas
  + California's high worker compensation rates
  + Sales and use taxes on products, unlike other states

Following a review of the request for consideration the Department has decided to schedule the matter for a public hearing. Therefore, pursuant to Government Code section 11340.7(a), the Department is providing this Notice of Hearing in response to the petition.

**PUBLIC HEARING**

The Department has scheduled the public hearing to accept comments regarding the petition. Interested parties are encouraged to attend the hearing and participate in the discussion. They may also submit written comments regarding the petition. The Department requests, but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. An additional opportunity for public comment will be provided if the Department decides to formally propose a regulation.

The hearing has been scheduled for November 7, 2017, beginning at 9:00 am and ending at 11:00 am, at 1500 Capitol Avenue, Rm 167 - Hearing Room, in Sacramento, CA 95814.

An agenda for the public hearing will be posted at the time and place of the hearing location.

Any written comments pertaining to this petition, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on November 22, 2017, which is hereby designated as the close of the 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, particularly those with attachments, contain the regulation package identifier **“Blood Centers of California Petition Hearing”** in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission to: (916) 440-5747;
3. By United States Postal Service to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814; or
4. Hand-delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the petition identifier, **“Blood Centers of California Petition Hearing,”** author’s name and mailing address.

If you have special accommodations or language needs, please contact Linda M. Cortez at (916) 558-1710 by October 23, 2017.

**INTERNET ACCESS**

Materials regarding the action described in this notice that are available via the Internet may be accessed at [Link to CDPH Web](http://www.cdph.ca.gov/) by clicking on these links, in the following order: Programs, Office of Regulations, and under Open Meetings click on the hearing notice.