

THIRD SUPPLEMENTAL STATEMENT OF REASONS

The California Department of Public Health (Department) has instituted additional changes to these proposed regulations which are discussed below. An additional document relied upon, identified below, is added to the rulemaking file.

Documents Relied Upon: For purposes of Government Code section 11347.1, this document, "Third Supplemental Statement of Reasons," is added to the rulemaking file, deemed a document relied upon, and designated as **Reference 6**.

Regulation Text: Additional changes are made for the following reasons:

Section 30315.52: Except for the following, no additional changes to this section are proposed:

- Subsections (a)(3) & (a)(4): the conjunction "and" is inserted between the provisions clarifying, as shown in existing text, that paragraphs (1) through (4) must be met.
- Subsection (a)(5): As discussed in the Initial Statement of Reasons, page 19, section 30315.52 is intended to apply to physicists conducting surveys of radiation machines used for interventional mammography, not just those machines subject to the federal MQSA requirements. As provided in section 30315.60(a)(4), as redesignated, an applicant may submit documentation in lieu of documentation demonstrating section 30315.52(a)(2) through (4) is met. Thus, section 30315.52(a)(5) is not needed, so it is deleted.
- Subsection (b):
 - The provision is revised to clarify time periods, and to supply a specific date in lieu of requesting the Office of Administrative Law to supply it. This provision was revised, due to a public comment, to alleviate a possible noncompliance event for physicists renewing under both the federal MQSA requirements and this requirement. The revision resulted in a confusing, overlapping time period. As now revised, the provision defers paragraphs (1) and (2) from taking effect for one year as recommended.
 - Paragraph (1) is further revised to clarify phraseology and is based on section 30403, a similar provision, requiring individuals certified or permitted under the Radiologic Technology Act (H&S Code § 27(f)) to obtain continuing education for purposes of renewing authorization. For punctuation and grammatical purposes, the comma found after the phrase "counted only once," in the third sentence is deleted, and, regarding the 36-month time period, formatting is revised to ensure the phrase "36-month cycle" results.

Section 30315.60: No additional changes to this section are proposed, except that the word "sections" in subsection (c)(2) is changed to "section," resulting in no regulatory effect.