

THIRD SUPPLEMENTAL STATEMENT OF REASONS

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

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 3**.

Regulation Text: Additional changes are proposed as follows:

Section 30306(b)(1): Subparagraph (A) is revised to identify that the indicated organization is incorporated as presented on its website (<http://campep.org/about.asp>). Subparagraph (B) is revised to correctly identify the organization as presented on its website (<https://www.aahp-abhp.org/>), resulting in no regulatory effect. No other changes to section 30306 are proposed.

Section 30312: Except for the following, no additional changes are proposed:

- Subsection (b)(4):
 - In the initially proposed text, the word "X-ray," found in the first and second sentences, was presented as existing text. However, that word should have been presented as added text (i.e., "X-ray") for consistency with existing text.
 - For purposes of this third supplemental statement of reasons, the word is shown as added following the indicated change methodology.

Section 30313.05: Except for the following, no additional changes are proposed:

- Subsection (a)(2): subparagraphs (A) and (B) are deleted and replaced with new proposed subparagraph (A) to clearly present the changes in one formatting methodology.
 - Due to comments, new subparagraph (A) is needed to clarify what constitutes training and work experience, and how to account for work or education obtained while in a medical physics residency program. To ensure training meets an industry-acceptable standard instead of an individually-determined standard, the proposed revision would require the training be approved, or obtained through a program accredited, by the indicated organization, the same organization accepted for purposes of continuing education in proposed section 30306(b)(1)(A).
 - Completion of a residency program (subparagraph (A)1) demonstrates the individual has received significant education, training, and work experience necessary for applying health physics or radiological health physics in a clinical setting. Program completion prepares individuals for starting a clinical certification process, such as that offered by the organizations identified in section 30313.05(a)(1), but does not automatically result in board certification. Crediting

all of the training hours and half of the work experience hours is appropriate due to the rigorous curriculum, and oversight, of these accredited programs. Subsection (a)(2) provides an alternative to certification under subsection (a)(1), intended to be similarly rigorous to board certification, but not exactly equivalent to certification. Thus, because completion of a residency program does not automatically result in board certification, only 1,000 hours of the required work experience is credited to the required work experience hours. The remaining 1,000 hours of work experience under supervision of a qualified person is needed to provide the Department a measure of confidence, based on a qualified person(s)' oversight, that the individual can competently and safely perform the required activities.

- Partial completion (subparagraph (A)2) demonstrates the individual has received only some amount of education, training, and work experience. Thus, because it is unknown how much of a program was completed, documentation, submitted pursuant to section 30313.07, is used for determining how much coursework was completed. The coursework hours are applied first to the required training hours because curricula are generally designed to establish a base understanding of the science, and then putting the science into practice. Further, limiting the amount of any excess coursework hours applicable to work experience is needed since partial completion indicates the individual, depending on an individual's circumstance, likely obtained limited experience in the clinical setting. The maximum amount of coursework hours attributable to the required work experience hours is set at one-half of the amount attributable for completion of a residency program due to the limited and variable nature of partially completing a residency program.

Section 30313.07: Except for the following, no additional changes are proposed:

- Subsection (a): The added phrase is needed to clarify what constitutes an acceptable application. See section 30313.30(a) for additional discussion.
- Subsection (a)(3): Due to comments, the added phrase is needed to clarify what types of documents would satisfy the requirement. For documentation of training, the indicated information is needed to ensure training is related to the specified physics discipline, that it was completed within the specified time frame, and is approved by the specified organization.
 - Due to comments, the provision addressing submittal of a written letter is clarified for purposes of documenting work experience that occurs under multiple supervisors. When work experience occurs under multiple supervisors, the statement regarding competency is necessarily different from when supervision is provided by a single supervisor since the Department makes the determination the individual, based on the documentation, is competent to function independently as an authorized individual.
 - Subparagraph (E) is revised for consistency with the structural change of section 30313.05(a)(2), as discussed above, and to address comments regarding documenting work experience that occurs under multiple supervisors.

Section 30313.09: Except for the following, no additional changes are proposed:

- Subsection (a): The added phrase is needed to clarify what constitutes an acceptable application. See section 30313.30(a) for additional discussion.

Section 30313.10: Except for the following, no additional changes are proposed:

- Subsection (a)(2): subparagraphs (A) and (B) are deleted and replaced with new proposed subparagraph (A) for the same reasons discussed above regarding section 30313.05, specific to the TCP and section 30313.15.

Section 30313.15: Except for the following, no additional changes are proposed:

- Subsection (a): The added phrase is needed to clarify what constitutes an acceptable application. See section 30313.30(a) for additional discussion.
 - Paragraph (3) is revised for the same reasons discussed above regarding section 30313.07(a)(3), specific to the TCP and section 30313.10.

Section 30313.20: Except for the following, no additional changes are proposed:

- Subsection (a): The added phrase is needed to clarify what constitutes an acceptable application. See section 30313.30(a) for additional discussion.

Section 30313.30: Except for the following, no additional changes are proposed:

- Subsection (a):
 - New paragraph (2) is added to clarify what constitutes an acceptable application. It is based on existing provisions addressing processing of applications found in section 30405(a)(2).
 - Initially proposed paragraph (2) is redesignated as paragraph (3) to maintain a coherent structure.

Section 30313.50: Except for the following, no additional changes are proposed:

- Subsection (a) is revised to clearly inform individuals of those factors used for determining when an action will be taken.
- New subsection (b) is needed to identify and inform individuals of the factors the Department must consider as to whether an action will be taken. Consideration of these factors, and any other factors bearing on a given case, allows consistent application for all actions taken. The factors are derived from circumstances typically considered in initiating prior Department enforcement cases, and are used in formulating, for a given case, an accusation for initiating an action, and the statement of issues for substantiating an action. If an action is taken, HSC § 115145 invokes due process procedures.
 - Paragraph (1) is needed to establish a fundamental understanding of the individual case, such as determining what occurred, when and why it occurred, whether it occurs often, whether others were involved, motivations driving the action or non-action, or if a criminal act occurred.

- Paragraphs (2), (3), and (7) are needed to determine and identify the event's outcome, and if some circumstance would make the outcome worse, impacting the decision on what action, pursuant to subsection (a), should be taken by the Department in a given case.
- Paragraphs (4), (5), and (10) are needed for evaluating an individual's compliance history, inasmuch as that history bears materially on that individual's ability to fulfill his or her obligations, including, but not limited to, technical competency relating to ionizing radiation.
- Paragraphs (6), (8), (9), (11), and (12) are needed to determine if reasons exist for reducing imposed penalties, or for taking a less onerous action.
- The section note is revised to include section 115145 as a reference. That provision identifies applicable due process laws and proceedings.