

**Methodology to Indicate Changes to
DPH-10-007 – Health and Therapeutic Medical Physicist Authorization**

The proposed changes for comment that are the subject of this notice (second 15-day public comment period) are indicated as follows:

- Deletions from the proposed text presented during the second 15-day public comment period are indicated by a shaded double strike-through (~~strike-through~~).
- Additions to the proposed text presented during the second 15-day public comment period are indicated by a shaded double underline (underline).

Regulation text not subject to this second 15-day public comment period are presented for the reader's convenience and are indicated as follows:

- Deleted text as initially proposed is indicated by single strike-through (~~strike-through~~).
- Additions to the regulation text as initially proposed is indicated by single underline (underline).
- Deletions from the proposed text presented during the first 15-day public comment period are indicated by double strike-through (~~strike-through~~).
- Additions to the proposed text presented during the first 15-day public comment period are indicated by double underline (underline).

TITLE 17. PUBLIC HEALTH
DIVISION 1. STATE DEPARTMENT OF HEALTH SERVICES
CHAPTER 5. SANITATION (ENVIRONMENTAL)
SUBCHAPTER 4. RADIATION
Group 3. Standards for Protection Against Radiation
Article 4. Special Requirements for the Use of X-Ray in the Healing Arts

Amend Section 30306 to read as follows:

§ 30306. Definitions.

~~(a) "Automatic exposure control" means a device which automatically controls one or more technique factors in order to obtain at a preselected location(s) a required quantity of radiation.~~

~~(b) "Cineradiography" means the making of a motion picture record of the successive images appearing on a fluorescent screen.~~

~~(c) "Contact therapy" means irradiation of accessible lesions usually employing a very short source skin distance and potentials of 40-50 KV.~~

~~(d) "Dead man switch" means a switch so constructed that a circuit-closing contact can only be maintained by continuous pressure by the operator.~~

~~(e) "Diagnostic type tube housing" means an X ray tube housing so constructed that the leakage radiation measured at a distance of 1 meter from the source cannot exceed 100 milliroentgens in 1 hour when the tube is operated at its maximum continuous rate of current for the maximum rated tube potential.~~

~~(f) "Filter" means material placed in the useful beam to absorb preferentially the less penetrating radiations.~~

~~(g) "Interlock" means a device for precluding access to an area of radiation hazard either by preventing entry or by automatically removing the hazard.~~

~~(h) "Leakage radiation" means all radiation coming from within the tube housing except the useful beam.~~

~~(i) "Protective barrier" means a barrier of attenuating materials used to reduce radiation exposure.~~

~~(j) "Primary protective barrier" means a barrier sufficient to attenuate the useful beam to the required degree.~~

~~(k) "Scattered radiation" means radiation that, during passage through matter, has been deviated in direction.~~

~~(l) "Secondary protective barrier" means a barrier sufficient to attenuate stray radiation to the required degree.~~

~~(m) "Shutter" means a device, generally of lead, fixed to an X ray tube housing to intercept the useful beam.~~

~~(n) "Stray radiation" means radiation not serving any useful purpose. It includes leakage and scattered radiation.~~

~~(o) "Therapeutic type tube housing" means,~~

~~(1) For X ray therapy equipment not capable of operating at 500 kVp or above, an X ray tube housing so constructed that the leakage radiation at a distance of 1 meter~~

~~from the source does not exceed 1 roentgen in an hour when the tube is operated at its maximum rated continuous current for the maximum rated tube potential.~~

~~(2) For X-ray therapy equipment capable of operating at 500 kVp or above, an X-ray tube housing so constructed that the leakage radiation at a distance of 1 meter from the source does not exceed either 1 roentgen in an hour or 0.1 percent of the useful beam dose rate at 1 meter from the source, whichever is greater, when the machine is operated at its maximum rated continuous current for the maximum rated accelerating potential.~~

~~(3) In either case, small areas of reduced protection are acceptable provided the average reading over any 100 square centimeters area at 1 meter distance from the source does not exceed the values given above.~~

~~(p) "Useful beam" means that part of the radiation which passes through the window, aperture, cone, or other collimating device of the tube housing. (T17-30306-T24).~~

(a) The definitions in section 30100 shall apply to this article.

(b) As used in this article:

(1) "Approved continuing education credit" means 50 to 60 minutes of instruction received in subjects related to medical or health physics, as applicable, and accepted for purposes of credentialing, assigning professional status, or certification by:

(A) The Commission on Accreditation of Medical Physicists Educational Programs, Inc.; or

(B) American Academy of Health Physicists.

(2) through (5) *No change to initially proposed text.*

~~(6) "Diagnostic medical physicist" means an individual who meets the requirements of section 30313.04, who performs the tasks specified in section 30307(b)(3) and (b)(4) and:~~

~~(A) Holds a bachelor's degree in medical physics, health physics, a physical science, engineering, or applied math from an accredited college or university; and~~

~~(B) Has completed 2,000 hours of training and 2,000 hours of work experience in evaluating and testing diagnostic X-ray systems.~~

~~(7)(6) *No change to initially proposed text.*~~

~~(8)(7)~~ "Direct supervision" means that the supervising individual is physically present and available within the facility during the performance of tasks by the supervised individual.

~~(9) "DMP" means a diagnostic medical physicist.~~

~~(10)(8)~~

No change to initially proposed text.

~~(11) "Health physicist" means an individual who meets the requirements of section 30313.05 and performs tasks specified in sections 30307 and 30312.~~

~~(12) "HP" means a health physicist.~~

~~(13)(9) and (14)(10)~~

No change to initially proposed text.

~~(15)(11) "Personal supervision" means that the supervising individual is physically present to observe, and correct, as needed, the performance of the individual performing the activities.~~

~~(16)(12) through (21)(17)~~

No change to initially proposed text.

~~(22)(18) "Supervision" means responsibility for the acts and omissions of persons being supervised, and control of the quality, radiation safety, and technical aspects of activities being supervised, and being available to the supervised individual.~~

~~(19) "TCP" means a therapeutic calibration physicist.~~

~~(23)(20) "Therapeutic medical calibration physicist" means an individual who meets the requirements of section 30313.10 and performs the tasks specified in section 30312(b), but does not include an individual authorized pursuant to section 30315.60.~~

~~(24)(21)~~

No change to initially proposed text.

~~(22) "Therapeutic survey physicist" means an individual who meets the requirements of section 30313.05.~~

~~(23) "TSP" means a therapeutic survey physicist.~~

~~(25) "TMP" means a therapeutic medical physicist.~~

~~(26)(24)~~

No change to initially proposed text.

Note: Authority cited: Sections 208 and 25811, Health and Safety Code. Reference: Sections 25801, 25802, 25811 and 25815, Health and Safety Code.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 114965, 114970, 115000, 115060, 131050, 131051 and 131052,
Health and Safety Code.

Amend Section 30307 to read as follows:

§ 30307. Fluoroscopic Installations.

(a) *No change to Initially Proposed Text.*

(b) ~~Operating Procedures.~~ The user shall ensure the following:

(1) *No change to Text.*

(2) *No change to initially proposed text.*

(3) Measurements of the table top or patient exposure rate shall be made ~~by or under the supervision of a DMP, HP or TMP~~ at least once each year for units with automatic exposure control, and at least once each 3 years for units without automatic exposure control, and immediately following alteration or replacement of a major component, such as the X-ray tube, the exposure controls, the imaging assembly, and the power source. ~~The user, before allowing a DMP to make or supervise the measurements, shall verify and document the DMP meets sections 30313.04(a)(1) and (a)(2), and the date of verification shall be used for purposes of section 30313.04(a)(3). Before a person, other than a DMP, HP or TMP, makes the measurements, a DMP, HP or TMP shall have verified, in writing, that the individual has performed at least 10 measurements under personal supervision of a DMP, HP or TMP, and is competent to perform the measurements under supervision.~~

(4) On the cineradiography equipment, the exposure rates to which patients are normally subjected shall be determined ~~by or under the supervision of a DMP, HP or TMP~~ at least once each year, and immediately following alterations or replacement of a major component, such as the X-ray tube, the exposure controls, the imaging assembly, and the power source. ~~The user, before allowing a DMP to make or supervise the measurements, shall verify and document the DMP meets section 30313.04(a)(1) and (a)(2) and the date of verification shall be used for purposes of section 30313.04(a)(3). Before a person, other than a DMP, HP or TMP, makes the measurements, a DMP, HP~~

~~or TMP shall have verified, in writing, that the individual has performed at least 10 measurements under personal supervision of a DMP, HP, or TMP, and is competent to perform the measurements under supervision.~~

~~(c) Users shall maintain for inspection records, and persons performing tasks under supervision of a DMP, HP or TMP, that demonstrate a DMP, HP or TMP meets the applicable criteria and that the measurements specified in subsections (b)(3) and (b)(4) were completed; the records shall indicate the date the measurements were taken and the exposure value obtained.~~

~~(c) Users shall maintain for inspection:~~

~~(1) Documentation demonstrating a DMP, HP or TMP, and persons performing tasks under supervision of a DMP, HP or TMP, meets the applicable criteria;~~

~~(2) Records of the measurements specified in subsections (b)(3) and (b)(4). The records shall indicate the date the measurements were taken, the exposure value obtained, who performed the measurement, and who provided supervision, if applicable; and~~

~~(3) Applicable service documentation for purposes of subsections (b)(3) and (b)(4).~~

Note: Authority cited: Sections 102, 208 and 25811, Health and Safety Code.
Reference: Sections 25801, 25802, 25811 and 25815, Health and Safety Code.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 114965, 114970, 115000, 115060, 131050, 131051 and 131052, Health and Safety Code.

Amend Section 30312 to read as follows:

§ 30312. Therapeutic X-Ray Installations.

(a) ~~Equipment.~~The user shall ensure therapeutic X-ray equipment meets the following:

(1) through (11) *No change to Text.*

(b) ~~Operating Procedures.~~The user shall ensure the following:

(1) When a patient must be held in position for radiation therapy, patient immobilization~~mechanical supporting or restraining~~ devices shall be used.

(2) through (3) *No change to Text.*

(4) A calibration of the output of each ~~radiation therapy~~therapeutic X-ray system shall be performed before the system is first used for irradiation of a patient, and thereafter at intervals not to exceed 24 months. ~~Therapy~~Therapeutic X-ray equipment shall not be used for any therapy treatments except at those combinations of effective energy, field size, and treatment distance for which the equipment has been calibrated. The calibration shall be performed by or under the direct supervision of a ~~person who has been determined by the Department to have adequate training, experience and knowledge in radiation therapy physics, and who shall be present at the facility during such calibration~~TMP/TCP. After any change which might significantly alter the output, spatial distribution, or other characteristics of the therapy beam, the parameters which might be affected shall be measured.

(A) through (B) *No change to Text.*

(5) All new installations and existing installations not previously surveyed shall have a radiation protection survey performed by or under the ~~direction~~supervision of an ~~HP or a TMP~~a TSP or a TCP ~~of a person determined by the Department to have adequate knowledge and training to advise regarding radiation protection needs, to measure ionizing radiation and to evaluate safety techniques.~~ If the survey shows that supplementary shielding is required, a resurvey shall be performed by or under the supervision of an HP or TMP~~a TSP or a TCP~~ after its installation. In addition, a resurvey shall be made after every change which might decrease radiation protection significantly. The surveyor shall report his findings in writing to the user. The report shall indicate whether or not the installation is in compliance with all applicable radiation protection requirements of this section. The user shall report the findings of the survey in writing to the Department within 15 days of his receipt of the survey report.

(6) The exposure rate or dose rate of the useful beam and the size and shape of the useful beam shall be known with reasonable certainty at all times during operation of the ~~radiation therapy apparatus~~therapeutic X-ray systems for medical purposes.

(7) Spot checks shall be performed at least once each week for ~~therapy~~therapeutic X-ray systems operating at potentials above 500 kVp, and at least once each month for ~~therapy~~therapeutic X-ray systems operating at 500 kVp or below.

(A) and (B) *No change to Text.*

(C) The spot check procedures shall be in writing and shall have been developed or approved by a ~~TMP/TCP~~ the individual who made the most recent calibration of the system pursuant to Section 30312(b)(4). The written spot check procedures shall specify when measurements and determinations indicate an inconsistency or potential change in radiation output. When more than the minimum frequency of spot checking is necessary, the spot check procedures shall specify the frequency at which spot checks are to be performed.

(D) When spot check results are erratic or inconsistent with calibration data, ~~the person who designed the spot check procedures, or a person of equivalent competence,~~ a ~~TMP/TCP~~ shall be consulted immediately and the ~~reason(s) for cause of~~ the inconsistency corrected before the system is used for patient irradiation.

(8) through (9) *No change to Text.*

~~Note: Authority cited: Sections 208 and 25811, Health and Safety Code. Reference: Sections 25801, 25802, 25811 and 25815, Health and Safety Code.~~

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115000, 115060, 131050, 131051 and 131052, Health and Safety Code.

~~Adopt Section 30313.04 to read as follows:~~

~~**§ 30313.04. Diagnostic Medical Physicist Requirements.**~~

~~(a) A person who performs as an DMP, as defined in section 30306, shall meet the following:~~

~~(1) Hold a bachelor's degree in medical physics, health physics, a physical science, engineering, or applied math from an accredited college or university;~~

~~(2) Have completed 2,000 hours of training and work experience in evaluating and testing diagnostic X-ray systems. Work as a part of a medical physicist residency program accredited by the Commission on Accreditation of Medical Physicists Educational Programs, Inc. may be counted towards the work experience requirement; and~~

~~(3) Have obtained 15 approved continuing education credits, as defined in section 30306, every three years beginning on the date the user, pursuant to section 30307(b)(3) or (b)(4), has verified the person meets paragraphs (1) and (2) of subsection (b).~~

~~(b) Individuals who meet the criteria in sections 30313.05 or 30313.10 but do not hold authorization issued pursuant to section 30313.15 may be deemed to meet paragraphs (1) and (2) of subsection (a), provided the user, in accordance with section 30307(c)(1), maintains documentation demonstrating the individual meets the criteria. However, the individual shall be subject to subsection (a)(3).~~

~~Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.~~

Adopt Section 30313.05 to read as follows:

§ 30313.05. Health Physicist Therapeutic Survey Physicist Requirements.

~~(a) A person who performs as an HP a TSP, as defined in section 30306, shall be authorized by the Department pursuant to section 30313.15 30313.07 and:~~

~~(1) Be certified by:~~

~~(A) American Board of Radiology in Diagnostic Therapeutic Medical Physics;~~

~~(B) American Board of Health Physics in Health Physics; and have completed:~~

~~1. At least 100 hours of didactic training in radiologic physics. The number of hours required to meet this provision may not be counted toward meeting the requirement in clause two; and~~

~~2. At least 1,000 hours of work experience in diagnostic medical physics under the supervision of a TMP. Work as a part of an accredited medical physics residency~~

~~counts toward this requirement. The number of hours required to meet this provision may not be counted toward meeting the requirement in clause one;~~

~~(C) American Board of Medical Physics in Medical Health Physics or Radiation Oncology Physics Diagnostic Imaging Physics; or~~

~~(D) Canadian College of Physicists in Medicine in Radiation Oncology Physics Diagnostic Radiological Physics; or~~

~~(2) Have at least a bachelor's degree in physics, health physics, a physical science or engineering from an accredited college or university and have completed, within five years preceding the date of application:~~

~~(A) At least 2,000 hours of training in health or radiologic physics, of which 100 hours shall be didactic training in radiologic physics. The number of hours required to meet this provision may not be counted toward meeting the requirement in subparagraph (B); and~~

~~(B) At least 2,000 hours of work experience in health physics, of which 1,000 hours shall be in evaluating and testing diagnostic X-ray systems, under the supervision of an HP or TMP, a TSP or TCP. Work as a part of a medical physicist residency program accredited by the Commission on Accreditation of Medical Physicists Educational Programs, Inc. may be counted towards the work experience requirement. The number of hours required to meet this provision may not be counted toward meeting the requirement in subparagraph (A).~~

~~Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.~~

Adopt Section 30313.07 to read as follows:

§ 30313.07. Eligibility for and Issuance of Therapeutic Survey Physicist Authorization.

(a) To be eligible for authorization as a TSP, an applicant shall submit to the Department an acceptable application containing:

(1) The applicant's legal name, mailing address and telephone number;

(2) The applicant's social security number (SSN) or individual taxpayer identification number (ITIN) (pursuant to the authority found in sections 131050, 131051, and 131200 of the Health and Safety Code and as required by section 17520 of the Family Code, providing the SSN or ITIN is mandatory. The SSN or ITIN will be used for purposes of identification.);

(3) Documentation that the applicant meets the requirements of section 30313.05. Except for applicants requesting authorization pursuant to section 30313.05(a)(1)(A), the applicant shall include at least three sample radiation protection survey reports of therapeutic X-ray equipment at a medical facility, one of which is a survey of therapeutic X-ray equipment with an energy greater than 500 kVp. Additionally, applicants requesting authorization pursuant to section 30313.05(a)(2) shall submit a written letter from the applicant's supervisor containing:

(A) The name, signature and date of signature of the supervising individual;
(B) The name of the applicant;
(C) The dates the supervisor supervised the work of the applicant;
(D) The name of the facility where the applicant was supervised; and
(E) A statement confirming that the applicant fulfilled the work experience requirement pursuant to section 30313.05(a)(2)(B) and is competent to function independently as a TSP; and

(4) The application fee specified in section 30313.45.

(b) Authorization shall be valid for three years.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 30313.09 to read as follows:

§ 30313.09. Renewal of Therapeutic Survey Physicist Authorization.

(a) To be eligible for renewal of authorization as a TSP, an individual shall, at least 30 calendar days prior to the expiration date of authorization, submit to the Department an acceptable application containing:

(1) The applicant's legal name, mailing address, telephone number and authorization number as shown on the Department-issued authorization. Individuals who were previously approved or authorized to conduct therapeutic radiation protection surveys and are applying for purposes of section 30313.40 shall include their social security number (SSN) or individual taxpayer identification number (ITIN) in lieu of the authorization number. (Pursuant to the authority found in sections 131050, 131051, and 131200 of the Health and Safety Code and as required by section 17520 of the Family Code, providing the SSN or ITIN is mandatory. The SSN or ITIN will be used for purposes of identification.)

(2) Except for individuals who were previously approved or authorized to conduct therapeutic radiation protection surveys and are applying for purposes of section 30313.40, provide documentation:

(A) Demonstrating that the applicant is certified by an entity specified in section 30313.05(a)(1); or

(B) Confirming completion of 15 approved continuing education credits as defined in section 30306. Approved continuing education credits shall be completed in the three years immediately preceding the expiration date and documentation shall include:

1. The name of the approving organization;

2. The name of the instructor or provider and their contact information;

3. A description of the instruction provided; and

4. The dates of the instruction; and

(3) The fee for renewal as specified in section 30313.45.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 30313.10 to read as follows:

§ 30313.10. Therapeutic ~~Medical~~ Calibration Physicist Requirements.

(a) A person who performs as a ~~TMP~~ TCP, as defined in section 30306, shall be authorized by the Department as a ~~TMP~~ TCP pursuant to section 30313.15 and:

(1) Be certified by:

(A) The American Board of Radiology in Therapeutic Medical Physics;

(B) American Board of Medical Physics in Radiation Oncology Physics ~~or~~
~~Medical Health Physics~~; or

(C) Canadian College of Physicists in Medicine in Radiation Oncology Physics;

or

(2) Have at least a graduate degree in medical physics, health physics, a physical science, or engineering from an accredited college or university and have completed, within five years preceding the date of application:

(A) At least 2,000 hours of training in therapeutic medical physics, ~~of which 500 hours shall be in diagnostic medical physics~~. The number of hours required to meet this provision may not be counted toward meeting the requirement in subparagraph (B); and

(B) At least 2,000 hours of work experience in clinical therapeutic medical physics, ~~of which 500 hours shall be in evaluating and testing diagnostic X-ray systems~~ under the supervision of a ~~TMP~~TCP. Work as a part of a medical physicist residency program accredited by the Commission on Accreditation of Medical Physicists Educational Programs, Inc. may be counted towards the work experience requirement. The number of hours required to meet this provision may not be counted toward meeting the requirement in subparagraph (A).

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 30313.15 to read as follows:

§ 30313.15. Eligibility for and Issuance of ~~Health or Therapeutic Medical~~ Calibration Physicist Authorization.

(a) To be eligible for authorization as ~~an HP or TMP~~ a TCP, an applicant shall submit to the Department an acceptable application containing:

(1) The applicant's legal name, mailing address and telephone number;

(2) The applicant's social security number (SSN) or individual taxpayer identification number (ITIN) (pursuant to the authority found in sections 131050, 131051, and 131200 of the Health and Safety Code and as required by section 17520 of the Family Code, providing the ~~social security number~~ SSN or ITIN is mandatory. The ~~social security number~~ SSN or ITIN will be used for purposes of identification.);

~~(3) A statement identifying whether the applicant is requesting authorization as an HP or a TMP;~~

~~(4)(3) Documentation that the applicant meets the requirements of section 30313.05 or 30313.10, as applicable. Except for applicants requesting authorization pursuant to section 30313.10(a)(1)(A), the applicant shall include at least three sample calibration reports of a therapeutic X-ray system at a medical facility, two of which shall be of systems with energies greater than 500 kVp. Additionally, if the applicant is requesting authorization pursuant to section ~~30313.05(a)(2) or~~ 30313.10(a)(2), the applicant shall submit a written letter from the applicant's supervisor containing:~~

- (A) The name, signature and date of signature of the supervising individual;
- (B) The name of the applicant;
- (C) The dates the supervisor supervised the work of the applicant;
- (D) The name of the facility where the applicant was supervised; and
- (E) A statement confirming that the applicant fulfilled the work experience requirement pursuant to section ~~30313.05(a)(2)(B) or~~ 30313.10(a)(2)(B) and is competent to function independently as ~~an HP or TMP, as applicable~~ a TCP; and

~~(5)(4) The application fee specified in section 30313.45.~~

(b) Authorization shall be valid for three years.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 30313.20 to read as follows:

§ 30313.20. Renewal of ~~Health or Therapeutic Medical~~ Calibration Physicist Authorization.

(a) To be eligible for renewal of authorization as ~~an HP or a TMP, a TCP~~ an individual shall, at least 30 calendar days prior to the expiration date of authorization, submit to the Department an acceptable application containing:

(1) The applicant's legal name, mailing address, telephone number and authorization number as shown on the Department-issued authorization, ~~except that individuals~~ Individuals who were previously approved or authorized to conduct therapeutic X-ray systems calibrations or radiation protection surveys and are applying for purposes of section 30313.40 shall include their social security number (SSN) or individual taxpayer identification number (ITIN) in lieu of the authorization number. (Pursuant to the authority found in sections 131050, 131051, and 131200 of the Health and Safety Code and as required by section 17520 of the Family Code, providing the ~~social security number~~ SSN or ITIN is mandatory. The ~~social security number~~ SSN or ITIN will be used for purposes of identification.)

(2) Except for individuals ~~who were previously approved or authorized to conduct therapeutic X-ray systems calibrations or radiation protection surveys and are applying for purposes of section 30313.40, provide documentation~~ confirming completion of approved continuing education credits as specified in section 30313.35 that includes:

~~(A) The name of the approving organization;~~

~~(B) The name of the instructor or provider and their contact information;~~

~~(C) A description of the instruction provided; and~~

~~(D) The dates of the instruction; and~~

(A) Demonstrating that the applicant is certified by an entity specified in section 30313.10(a)(1); or

(B) Confirming completion of 15 approved continuing education credits as defined in section 30306. Approved continuing education credits shall be completed in the three years immediately preceding the expiration date and documentation shall include:

1. The name of the approving organization;

2. The name of the instructor or provider and their contact information;

3. A description of the instruction provided; and

4. The dates of the instruction; and

(3) The fee for renewal as specified in section 30313.45.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 30313.25 to read as follows:

§ 30313.25. Change of Name, Address, ~~or Social Security Number,~~ or Individual Taxpayer Identification Number.

Each ~~HPTSP~~ or ~~TMPTCP~~ authorized pursuant to sections ~~30313.07, 30313.09, 30313.15,~~ or ~~30313.20~~ shall report in writing to the Department, within 30 calendar days, any change of name, mailing address, social security number or individual taxpayer identification number ~~or social security number.~~

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 30313.30 to read as follows:

§ 30313.30. Application Deadlines for ~~Health Therapeutic Survey Physicist or Therapeutic Medical Calibration Physicist~~ Authorization.

(a) For purposes of ~~HP~~the ~~TSP~~ or ~~TMPTCP~~ authorization issued pursuant to sections ~~30313.07, 30313.09, 30313.15,~~ or ~~30313.20~~:

(1) Receipt of an application, information, documentation or fee shall be deemed to occur on the date the application, information, documentation or fee is received by the Department;

(2) Written notification by the Department to applicants shall be deemed to occur on the date the notification is postmarked or, if sent electronically, the date sent as indicated on the electronic communication.

(b) The Department shall notify the applicant in writing of one of the following within 30 calendar days of receipt of an application:

(1) The application is not acceptable and what specific information, documentation or fee, the applicant shall submit within 30 calendar days from the date of the Department's written request for the application to be considered acceptable: or

(2) The application is acceptable and that the applicant has met the applicable eligibility requirements.

(c) The Department shall deem an application withdrawn by an applicant who fails to respond to the Department's written request for information, documentation or fees pursuant to subsection (b)(1). The applicant may reapply by submitting a new application.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.

~~Adopt Section 30313.35 to read as follows:~~

~~**§ 30313.35. Requirements for Continuing Education.**~~

~~An HP or TMP shall in the three years immediately preceding the expiration date of their authorization earn 15 approved continuing education credits as defined in section 30306.~~

~~Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.~~

Adopt Section 30313.40 to read as follows:

§ 30313.40. Previously Approved or Authorized Person to Conduct Therapeutic X-ray System Calibrations or Radiation Protection Surveys, Health or Therapeutic Medical Physicists.

(a) An individual authorized or approved to conduct therapeutic X-ray systems calibrations or radiation protection surveys, in accordance with section 30312 as that section read prior to [effective date of regulation to be inserted by Office of Administrative Law] shall remain authorized or approved only if the individual submits to the Department:

(1) An acceptable application pursuant to sections 30313.09 or 30313.20, as applicable, within three years of [effective date of regulation to be inserted by Office of Administrative Law]. If the application is not received by the Department by that date, authorization is canceled. To re-establish a canceled authorization, an individual shall comply with sections 30313.07 or 30313.15 and shall be considered a new applicant.

(b) Individuals, as described in subsection (a), shall be subject to sections 30313.25 and 30313.50, until the issuance of authorization pursuant to sections 30313.09 or 30313.20 occurs. Upon said issuance, the individual shall be subject to sections ~~30313.10~~30313.05 through 30313.50, as applicable, and this section shall no longer apply.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 30313.45 to read as follows:

§ 30313.45. Fees.

(a) The application fee for authorization pursuant to sections 30313.07 or 30313.15 shall be \$312.00.

(b) An individual applying to renew authorization pursuant to sections 30313.09 or 30313.20 shall pay a renewal fee of \$267.00.

(c) A penalty fee of 25% of the fee for renewal shall be charged for any renewal that is more than 30 calendar days past due.

(d) Failure to pay the renewal fee on or before the expiration date of the authorization shall automatically suspend the authorization. If the renewal fee is not paid within six months following such date, the authorization shall be revoked. An authorization revoked for nonpayment of the renewal fee may be reinstated within five years from the time of suspension upon payment of the penalty fee specified in paragraph (c) plus twice the renewal fee specified in subsection (b). If the application for reinstatement is not made within five years from the date of suspension of the

authorization, the authorization shall be canceled and shall not be subject to reinstatement.

(e) Fees required by this section shall be nonrefundable and subject to adjustment pursuant to Health and Safety Code section 100425.

Note: Authority cited: Sections 114970, 114975, 114980, 115060, 115080 and 131200, Health and Safety Code. Reference: Sections 114980, 115060, 115080, 131050, 131051 and 131052, Health and Safety Code.

Adopt Section 30313.50 to read as follows:

§ 30313.50. Grounds for Amendment, Restriction, Suspension or Revocation of Authorization.

(a) Authorization issued pursuant to sections ~~30313.07, 30313.09, 30313.15, or section 30313.20,~~ or 30313.40 may be amended, restricted, suspended or revoked for any of the following:

(1) The submission of false, incorrect or fraudulent information to obtain or renew authorization;

(2) The impersonation of another authorized individual, or allowing another person to use one's own authorization, for the purpose of providing health physics or therapeutic medical physics services;

(3) Unprofessional conduct, including, but not limited to, incompetence, gross negligence, physical, mental, or verbal abuse of patients, or misappropriation of property of patients or others;

(4) The violation of, or the attempt to violate, any provision of the Radiologic Technology Act (RT Act) (Health and Safety Code section 27), the Radiation Control Law (RCL) (Health and Safety Code section 114960 et seq.) or any order of the Department;

(5) The prevention of, or the attempt to impede in any way, any lawful enforcement of the RT Act or the RCL, the regulations adopted pursuant to those provisions, or any order of the Department;

(6) Conviction of a crime substantially related to the qualifications and duties of
~~an HP or TMP~~ a TCP or a TSP;

(7) Failure to take corrective action as directed by the Department;

(8) Suspension or revocation of certification or authorization by any entity
specified in sections 30313.05(a) or 30313.10(a); or

(9) Failure to pay fees.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.