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NOTICE: 2nd 15-DAY PUBLIC AVAILABILITY
DPH-17-009 RADIOLOGIC TECHNOLOGY ACT REGULATIONS: RTCC
RECOMMENDATIONS

SUPPLEMENTAL STATEMENT OF REASONS
DATE POSTED: January 10, 2020

PUBLIC PROCEEDINGS: Pursuant to Government Code section 11346.8(c) and Title 1 California Code of Regulations, Section 44, notice is hereby given that the California Department of Public Health (Department) has changed the text of the proposed regulations regarding Radiologic Technology Act: RTCC Recommendations (DPH-17-009), and is making the changed text available for public comment prior to adoption, amendment, or repeal of the resulting regulations.

A copy of the proposed text with the new changes clearly indicated is attached. This notice document, the proposed text, and supplement to the statement of reasons is available on the Department's internet website at:

<https://www.cdph.ca.gov/Programs/OLS/Pages/DPH-17-009.aspx> These documents are also available for inspection upon request at: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, between the hours of 8:00 a.m to 5:00 p.m.

WRITTEN COMMENT PERIOD: Any comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by January 25, 2020, that 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, particularly those with attachments, contain the regulation identifier "**Radiologic Technology Act Regulations: RTCC Recommendations (DPH-17-009)**" in the subject line to facilitate timely identification and review of the comment;



2. By fax transmission: (916) 636-6220;
3. By postal Service to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814;
4. Hand-delivered to the Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the regulation package identifier, DPH-17-009, Author's name and mailing address.

Documents Relied Upon: For purposes of Government Code section 11347.1:

- This document, "Second Supplemental Statement of Reasons," is added to the rulemaking file, deemed a document relied upon, and designated as **Reference 12**.
- The definition of "contrast medium" as found in the following publication is added to the rulemaking file, deemed a document relied upon, and designated as **Reference 13**:
- Miller and Keane, Encyclopedia and Dictionary of Medicine, Nursing, and Allied Health (4th ed. 1978) page 293.

Regulation Text:

Section 30441: Except for the following, no additional changes to this section are proposed:

- Due to comments during the initial public participation period, initially proposed subsection (a)(9) was deleted for further evaluation and a 15-day public availability period was conducted. The received comments questioned whether the proposal, as it pertains to medications, was within the authority of the Radiologic Technology Act. A proposed regulation must be within the statutory authority granted by law. Authority, in addition to other standards, is a criterion for adopting regulations, and a review-basis under the rulemaking provisions of the Administrative Procedures Act (Gov. Code § 11340 et seq.) applied by the California Office of Administrative Law. If a proposed regulation fails to meet that standard, the proposal must be rejected. Based on that re-evaluation and received comments, subsection (a)(9), as initially proposed, is re-inserted, formatted as one contiguous paragraph for presentation clarity, with the following revisions:
- The initially proposed term and definition of "medications" is deleted and the proposed term and definition of "contrast media" is added. The proposed term and definition of "contrast media" (plural form) is based on the defined term "contrast medium" (noun form) found in Reference 13, cited above.

- The word “cardiac” as found in the phrase “peripherally inserted cardiac catheter” is changed to “central” so that the phrase would now read “peripherally inserted central catheter.”
- Due to re-inserting initially proposed subsection (a)(9) as revised, paragraphs (10) through (18) of subsection (a) are re-codified to maintain a coherent structure.

To request a copy of this notice, the regulation text, and any of the regulatory documents or alternate format of these documents be mailed to you, please call (916) 440-7367 (or the California Relay Service at 711), write to the Office of Regulations 1415 L Street, Suite 500, Sacramento CA 95814, or send an email to regulations@cdph.ca.gov. Upon specific request, these documents will be made available in Braille, large print, audiocassette or on computer disk.

INQUIRIES: Inquiries regarding the subject matter in this notice may be directed to Phillip Scott at (916) 440-7978.

Inquires regarding the regulatory process described in this notice should be directed to Dawn Basciano of the Office of Regulations at (916) 440-7367.