

SECOND SUPPLEMENTAL STATEMENT OF REASONS

The California Department of Public Health (Department) has instituted additional changes to these proposed regulations which are discussed below. These changes are either initiated by the Department or in response to comments that were received during the first 15-day public comment period, which ended on December 18, 2019. Additional discussion to the Initial Statement of Reasons (ISR) and documents relied upon, identified below, are added to the rulemaking file.

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.