

## INFORMATIVE DIGEST

### **SUMMARY OF THE PROPOSED REGULATIONS**

For purposes of implementing Assembly Bill (AB) 1704 (Statutes of 2022, chapter 580), the proposed regulations would establish the requirements for an applicant to become an approved limited podiatric radiography educational program and would establish the requirements for an individual to obtain a limited podiatric radiography permit. The proposed regulations would establish the requirements for obtaining and renewing the permit, would specify the work scope limitations under the permit, would establish standards for revocation, suspension of the permit, and would establish the associated fees. Non-substantial changes are also made.

### **AUTHORITY AND REFERENCE**

The Department is proposing to adopt, amend, or repeal, as applicable, Title 17, California Code of Regulations (17 CCR), sections 30400, 30403, 30405, 30408, 30409, 30411, 30418, 30419, 30426, 30427, 30427.2, 30427.3, 30435, 30436, 30437, 30442, 30443, 30444, and 30447 under the authority provided in sections 114870, 114871, and 131200 of the Health and Safety Code. This proposal implements, interprets and makes specific sections 106965 through 107120 and sections 114840 through 114896 of the Health and Safety Code.

### **POLICY STATEMENT OVERVIEW**

*Problem Statement:* AB 1704 requires the California Department of Public Health (Department) to implement, interpret, or make specific enacted provisions; regulations are required. Existing Department regulations do not fully address the provisions specified in AB 1704.

*Objectives:* Broad objectives of this proposed regulatory action are to:

- Implement AB 1704.
- Define the requirements and process for an individual to obtain the limited podiatric radiography permit (LPRP).
- Define the requirements and process for an applicant to obtain approval as a limited podiatric radiography educational program (LPREP).
- Ensure compatibility with existing regulations.

*Benefits:* Anticipated benefits from this proposed regulatory action are:

- Consistency with legislation.
- Protect the public health and welfare by ensuring that individuals complete adequate training and education to obtain the LPRP.
- Provide specific guidance as to the procedures necessary for an individual to obtain the LPRP.
- Provide specific guidance as to the procedures necessary for an applicant to obtain approval as LPREP.
- Clarity for schools, educational programs, students, and applicants.

**EVALUATION AS TO WHETHER THE PROPOSED REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS**

The Department evaluated this proposal and determined that, if adopted, it will not be inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department's existing general regulations. An Internet search of other state agency regulations determined that no other state regulation addresses the same subject matter.

**PROGRAM BACKGROUND**

The Radiologic Technology (RT) Act, codified in Health and Safety Code (HSC) sections 106965 through 107120 and sections 114840 through 114896, was enacted to protect the public from excessive or improper exposure to ionizing radiation. The RT Act requires that any individual who uses X-rays on human beings for diagnostic or therapeutic purposes meet certain standards of education, training, and experience. The Department (successor to the Department of Health Services) is authorized under the RT Act to promulgate regulations to implement the Act's provisions. (HSC §§ 131055 & 131200.<sup>1</sup>)

Radiologic technology means the application of X-rays on human beings for diagnostic or therapeutic purposes. (HSC § 114850(c).) It is performed in hospitals, clinics, and private doctor offices, including mobile vans or vehicles.

Pursuant to the RT Act, the Department:

- Certifies individuals as radiologic technologists in diagnostic, therapeutic, and mammographic X-ray use. An individual certified as a radiologic technologist is called a certified radiologic technologist (CRT).
- Permits individuals as limited permit X-ray technicians in specific permit categories. Limited permits are permits authorizing the holder to conduct radiologic technology limited to the performance of certain procedures or the application of X-ray to specific areas of the human body, except for a mammogram. (H&S Code 114850(e).) An individual granted a limited permit is called a limited permit X-ray technician (XT).
- Certifies and permits licensed medical, osteopathic, podiatric, and chiropractic doctors for the use of diagnostic or therapeutic X-rays within the scope of their professional license. These individuals are called "licentiates of the healing arts" ("licentiates") as defined in H&S Code 114850(h)(1). Once a licentiate is certified or permitted under the RT Act, they are called a "certified supervisor or operator" as defined in H&S Code 114850(i).
- Approves schools that provide the training courses required for obtaining a non-licentiate certificate or permit.

---

<sup>1</sup> This short format "HSC § 131055" for a given Health and Safety Code section will be used throughout this document for brevity.