



MARK B HORTON, MD, MSPH  
Director

State of California—Health and Human Services Agency  
California Department of Public Health



ARNOLD SCHWARZENEGGER  
Governor

**RADIOLOGIC HEALTH BRANCH**

**Policy Notice**

May 27, 2010

**TO: ALL CALIFORNIA MEDICAL RESIDENCY AND FELLOWSHIP  
TRAINING PROGRAMS**

**SUBJECT: USE OF X-RAYS ON HUMAN BEINGS BY MEDICAL RESIDENTS  
AND FELLOWS**

The purpose of this policy notice is to provide direction to medical residency and fellowship training programs regarding the use of X-rays on human beings by individuals who are participating in a medical residency or medical fellowship training program.

**Statutory Requirements:**

California Health and Safety Code, section 106965(a) states that "It shall be unlawful for any person to administer or use diagnostic or therapeutic X-ray on human beings in this state after July 1, 1971, unless that person has been certified or granted a permit pursuant to subdivision (b) or (c) of Section 114870 or pursuant to Section 114885, is acting within the scope of that certification or permit, and is acting under the supervision of a licentiate of the healing arts." However, Health and Safety Code, section 106975 states that "Section 106965 shall not apply to any of the following persons: (a) Licentiates of the healing arts. (b) Students in an approved school for radiologic technologists and in schools of medicine, podiatry or chiropractic when the students are operating X-ray machines under the supervision of an instructor who is a certified radiologic technologist or a certified supervisor or operator; and students of dentistry, dental hygiene and dental assisting when the students are operating X-ray machines under the supervision of an instructor who is a licensed dentist."

**Analysis:**

Based on the Health and Safety Code, section 106965(b), those individuals who are in

a medical residency training program, which is a formal graduate medical education that consists of on-the-job training of medical school graduates, are not required to be issued a supervisor and operator permit/certificate by the Department in order to use X-rays on human beings within the scope of their residency training program. However, these individuals must be under the supervision of an instructor (attending physician) who has been issued a supervisor and operator permit/certificate by the Department. This same principal has been applied to medical fellowships, which pertain to physicians who enter a training program in a medical specialty after completing a residency, usually in a hospital or academic setting.

Additionally, there have been questions on what constitutes "supervision" of medical residents/fellows by the attending physician in this context. While each factual situation is different, each facility and each supervising attending physician should consult with their respective legal counsel to ensure compliance with applicable provisions of the Health and Safety Code and Title 17 of the California Code of Regulations. It is important to note that the Department will adhere to and enforce Health and Safety Code, section 114850(g), which defines "supervision" as "responsibility for, and control of, quality, radiation safety, and technical aspects of all X-ray examinations and procedures."

If you have additional questions regarding this policy, please contact Ms. Frieda Y. Taylor, M.S., Chief of the Registration and Certification Section at (916) 650-6702 or via email at [Frieda.Taylor@cdph.ca.gov](mailto:Frieda.Taylor@cdph.ca.gov).

Sincerely,

*Original Document Signed by Gary W. Butner, Chief*

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**Erratum**

June 14, 2010

**TO: ALL CALIFORNIA MEDICAL RESIDENCY AND FELLOWSHIP  
TRAINING PROGRAMS**

**SUBJECT: CORRECTION TO POLICY NOTICE DATED MAY 27, 2010 - USE OF  
X-RAYS ON HUMAN BEINGS BY MEDICAL RESIDENTS AND  
FELLOWS**

The purpose of this notice is to correct a typographical error in the above-mentioned policy notice. In the first paragraph under the heading "**Analysis:**" the California Health and Safety Code section that is referenced, section 106965(b), is incorrect. It should read, "section 106975(b)."

If you have any questions, please contact Ms. Frieda Y. Taylor, M.S., Chief of the Registration and Certification Section at (916) 650-6702 or via email at [Frieda.Taylor@cdph.ca.gov](mailto:Frieda.Taylor@cdph.ca.gov).

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