

**State of California
Office of Administrative Law**

In re:
Department of Public Health

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections:

Amend sections:

Repeal sections: 75051

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

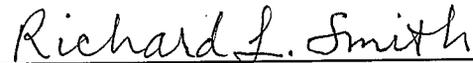
OAL Matter Number: 2015-0909-02

OAL Matter Type: Nonsubstantive (N)

The Department of Public Health (DPH) submitted this action without regulatory effect, pursuant to title 1, California Code of Regulations, to repeal section 75051 of title 22 of the California Code of Regulations.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: October 20, 2015



Richard L. Smith
Richard L. Smith
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Dr. Karen Smith

Copy: Lesya Vorobets

NONSUBSTANTIVE

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS

NOTICE FILE NUMBER
Z-

REGULATORY ACTION NUMBER
2015-0909-02N

EMERGENCY NUMBER

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 20 2015
151 PM

For use by Office of Administrative Law (OAL) only

2015 SEP -9 P 4: 59
OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Department of Public Health

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE Notice re Proposed Regulatory Action <input type="checkbox"/> Other <input type="checkbox"/>		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) DPH-15-014 Employee Health Examinations & Records		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT		
	AMEND 75051 per agency request		
TITLE(S) 22	REPEAL 75051		
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			
7. CONTACT PERSON Lesya Vorobets	TELEPHONE NUMBER 916-440-7371	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Lesya.Vorobets@CDPH.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE
Karin Schwartz
DATE
8/27/15
TYPED NAME AND TITLE OF SIGNATORY
Karin Schwartz, Deputy Director and Chief Counsel

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ENDORSED APPROVED

OCT 20 2015

Office of Administrative Law

**California Code of Regulations
Title 22. Social Security
Division 5. Licensing and Certification of Health Facilities, Home Health Agencies,
Clinics, and Referral Agencies
Chapter 7. Primary Care Clinics
Article 6. Administration**

Repeal Section 75051:

§75051. Health Examination and Health Records of Persons Working in the Clinic.

~~(a) All persons working in the clinic, including volunteers, shall have a health examination within six (6) months prior to employment or within 15 days after employment and at least annually thereafter by a person lawfully authorized to perform such an examination. Each examination shall include a medical history and physical evaluation. The examination shall include laboratory work if indicated by the practitioner. The report signed by the practitioner shall indicate that the person is able to perform assigned duties and that a health condition that would create a hazard for the employee, fellow employees, patient or visitors does not exist.~~

~~(b) The initial health examination and subsequent annual examination shall include a test for tuberculosis infection that is recommended by the federal Centers for Disease Control and Prevention (CDC) and licensed by the federal Food and Drug Administration (FDA) or a chest X-ray. A positive result from the tuberculosis test shall be followed by a chest X-ray. Evidence of tuberculosis screening within 12 months prior to employment shall be considered as meeting the intent of this regulation.~~

~~(c) The clinic shall maintain a health record of each employee which includes reports of all employment related health examinations. These records shall be kept for a minimum of three years following termination of employment.~~

~~(d) All persons working in the clinic who are known to have symptoms of infectious disease shall be removed from contact with patients.~~

Note: Authority cited: Sections 1225, 121357 and 131200, Health and Safety Code.
Reference: Sections 1200, 1226, 1226.1, 121362, 131050, 131051 and 131052, Health
and Safety Code.