

INITIAL STATEMENT OF REASONS

Summary of 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 (LPRP). The proposed regulations would establish the requirements for obtaining and renewing the permit, would specify the work scope limitations under the permit, and would establish standards for revocation, and suspension of the permit. 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, 30427.4, 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 106990, 114850, 114870, 114871, 131050, 131051 and 131052 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 (Statutes of 2022, chapter 580).

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

- Implement AB 1704 (Statutes of 2022, chapter 580).
- Define the requirements and process for an individual to obtain a limited permit in podiatric radiography.
- Define the requirements and process for an applicant to obtain approval as a limited podiatric radiography educational program (LPREP).
- Ensure consistency with existing regulations.

Benefits: Anticipated benefits from this proposed regulatory action are:

- Consistency with legislation.
- Protection of the public health and welfare by ensuring that individuals complete adequate training and education prior to obtaining the LPRP.
- Providing specific guidance as to the procedures to be followed for an individual to obtain the LPRP.
- Providing specific guidance as to the procedures to be followed for an applicant to obtain approval as an 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 & 131200.¹)

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).

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

- Approves schools that provide the training courses required for obtaining a non-licentiate certificate or permit.

DETAILED DISCUSSION OF EACH REGULATION

The regulations interpreting, specifying, or implementing the RT Act are in 17 CCR 30400 et seq. The proposed changes to state regulations are explained as follows:

Section 30400. Definitions.

Section 30400 is amended to implement AB 1704 (Statutes of 2022, chapter 580). Punctuation and grammatical changes are also made for clarity; resulting in no regulatory effect.

Amendments to subsections (a)(6) and (a)(7) are necessary to include LPREPs due to the adoption of AB 1704, which mandates approval of a course in limited podiatric radiography. An approval for an LPREP is issued under proposed section 30427.2.

Subsection (a)(27) is proposed to be adopted to create the concept of lead training instructor to specify the requirements and responsibilities of the individual who will provide training and be accountable for the podiatric radiography student. It further provides brevity when referencing the individual responsible for training of podiatric radiography students, which can only be a licensed doctor of podiatric medicine (DPM) with a valid radiography supervisor and operator permit as specified in HSC §114871(c).

Subsections (a)(27) – (a)(30) are renumbered due to the adoption of proposed subsection (a)(27) and to maintain a coherent structure.

Subsection (a)(32) is proposed to be adopted to establish the type of educational program an individual must complete to establish eligibility for a limited permit in podiatric radiography. As mandated by AB 1704, the Department is to issue a limited permit in podiatric radiography to individuals who meet the specified criteria. Therefore, establishing an educational program in limited podiatric radiography is necessary to inform individuals, who wish to obtain the LPRP, of the specific educational program they are required to complete.

Subsection (a)(33) is proposed to be adopted for clarity to ensure uniform interpretation and understanding of a newly defined term. This is the acronym for the proposed term in subsection (a)(32).

Subsections (a)(31) – (a)(35) are renumbered due to the adoption of proposed subsections and to maintain coherent structure.

Subsection (a)(39) is proposed to be adopted as defined in AB 1704 (Statutes of 2022, chapter 580) for consistency and regulatory clarity. AB 1704 added section 114871 to

the Health and Safety Code. Podiatric office is defined in HSC § 114871(c); though this term is duplicated in the proposed regulation; it provides clarity so that the educational programs are aware of what is defined as a “podiatric office.”

Subsections (a)(36) – (a)(45) are renumbered due to the adoption of proposed subsection (a)(37) and to maintain coherent structure.

The Authority and Reference note is amended to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Section 30403. Requirements for Continuing Education.

No change to the text is proposed. The Authority and Reference note is amended to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580). Completion of continuing education is a requirement for renewal of a limited permit in podiatric radiography, therefore, it is necessary to specify the requirements for continuing education.

Section 30405. Deadlines.

Section 30405 is amended to implement AB 1704 (Statutes of 2022, chapter 580) by including LPREPs, as these deadlines apply to LPREPs as well as approved schools. It is necessary to inform applicants of these deadlines so that they are aware of the processing timeframes and when to expect correspondence from the Department and ensures timely processing of applications. The Authority and Reference note is amended to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Section 30408. Certificate and Permit Fees.

No change to the text is proposed. The Authority and Reference note is amended to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580). Limited podiatric radiography permit holders are also required to pay fees, so they are included in this section. It is necessary to specify the required fees, as payment of fees is a requirement for application and renewal of a limited permit in podiatric radiography.

Section 30409. Schedule of Fees for Schools and Limited Podiatric Radiography Educational Programs.

Section 30409 is amended to implement AB 1704 (Statutes of 2022, chapter 580) by including LPREPs. LPREPs are required to pay fees, so they are included in this section. It is necessary to specify the required fees, as payment of fees is a requirement for application of an LPREP. Subsections were reorganized and redesignated for improved

clarity and readability resulting in no regulatory effect.

The title of section 30409 is amended to reflect the content within the section, resulting in no regulatory effect.

Proposed subsection (e) is needed to cover the costs of the following administrative functions:

1. Reviewing application for completeness; doctor’s information, student’s information, and curriculum material.
2. Verifying doctor and facility information to ensure the doctor’s radiologic technology permit is valid and the facility is registered with the Department in accordance with the RT Act.
3. Reviewing student information and verify credentials and certification.
4. Evaluating training documentation, conducting quality assurance of technical evaluations and compliance actions;
5. Corresponding and communicating with applicants regarding the application.
6. Issuing documents and maintaining records.

Subsection (e)(1) is proposed to specify the application fee for applicants that submit the California Podiatric Medical Association’s Podiatric Limited X-ray Technician Educational Program.

The application fee of \$300 covers the cost of the above functions and is calculated as follows:

Estimate for LPREP Application Fee				
Staff Classification performing task	Total Program Cost* (A)	Hourly Rate (A/1800**)	Estimated time to complete tasks	Staff Cost per application (time X rate)
Associate Health Physicist	\$180,000	\$ 100	3 hours	\$ 300.00
Estimated LPREP Application Fee*				\$ 300.00
*Rounded				
**1800 hours used to account for staff-leave time.				

Subsection (e)(2) is proposed to cover the cost of the above functions for applicants that submit curriculum material as specified in section 30427.2(a)(1)(C)2. Applicants who submit curriculum material pursuant to section 30427.2(a)(1)(C)2 requires a more extensive review and would necessitate a higher application fee. The proposed LPREP application fee is consistent with the existing application fee for schools.

Existing subsection (e) is redesignated to subsection (f) for consistency with adoption of proposed subsection (e) and to maintain coherent structure. This results in no regulatory effect.

The Authority and Reference note is also amended to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Section 30411. General Provisions.

Section 30411 is amended to implement AB 1704 (Statutes of 2022, chapter 580). Inclusion of limited podiatric educational programs within this section is necessary to specify certain restrictions and permissions.

Subsection (b) is needed to implement AB 1704 (Statutes of 2022, chapter 580) and to clearly inform individuals and facilities of the requirement to be approved prior to offering, conducting, or attempting to offer or conduct any training.

Subsection (e) is needed to ensure that training is only provided at the approved location; this is critical to ensure adequate training and consistency with the Department's requirements as specified in section 30427.2.

Existing subsection (e) is redesignated to subsection (f) for consistency with adoption of proposed subsection (c) and to maintain coherent structure. This is a nonsubstantive change.

The Authority and Reference note is amended to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Section 30418. Faculty Requirements and Qualifications.

Section 30418 is amended to implement AB 1704. This amendment is necessary to inform applicants of the lead training instructor's qualifications for approval.

Subsection (c) is proposed to be adopted to clearly specify that a limited podiatric radiography educational program must have a lead training instructor and to specify the criteria to be a lead training instructor. This criterion is from HSC § 114871(a)(1), which requires that the course be provided by a licensed doctor of podiatric medicine who holds a current and valid radiography supervisor and operator permit issued by the Department.

Existing subsection (c) is redesignated to subsection (d) for consistency with adoption of proposed subsection (c) and to maintain coherent structure. This is a nonsubstantive change.

Existing subsection (d) is redesignated to subsection (e) for consistency with adoption of proposed subsection (c) and to maintain coherent structure. References to subsection (d) within this section are amended for consistency. Reference to section 30427(a) and

(b) are amended to maintain appropriate reference to the didactic and clinical educational requirements for limited permit X-ray technician schools teaching the DEXA category. Contents of existing section 30427 are proposed to be adopted in section 30426, resulting in a nonsubstantive change.

Subsection (e) is redesignated to subsection (f) for consistency with adoption of proposed subsection (c) and to maintain coherent structure, resulting in a nonsubstantive change.

The Authority and Reference note is amended to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Section 30419. Program Director, Clinical Coordinator and Instructor Responsibilities.

Section 30419 is amended to implement AB 1704. Subsection (d) is needed to define the responsibilities of the lead training instructor. This is necessary so that the lead training instructor is aware of their responsibilities.

The Authority and Reference note is amended to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Article 4. Limited Permit X-ray Technician Schools and Limited Podiatric Radiography Educational Programs

The title of Article 4 is amended to reflect the content of sections within the article, resulting in no regulatory effect.

Section 30426. Limited Permit X-Ray Technician Schools Teaching the DEXA Category.

The contents of section 30427 are moved to this section. A subsection designator was added to the first paragraph of this section for consistency with all other provisions within the RT Act. Subsections within the relocated provisions were also redesignated to maintain coherent structure.

Section 30427. Limited Podiatric Radiography Educational Program.

Section 30427 is repealed and adopted to implement AB 1704. This section is needed to define the curriculum and training requirements an approved LPREP must provide to students. Completion of the coursework and clinical training specified in this section provides the student the necessary skills, knowledge, and abilities to use the equipment and should adequately prepare the individual for taking required examinations. A

subsection designator was added to the first paragraph of this section for consistency with all other provisions within the RT Act. Subsections within this section were also redesignated to maintain coherent structure.

Subsection (a)(1) is needed to specify the didactic course content and the number of hours of instruction for each course subject, for consistency with HSC § 114871. Subsection (a)(2) is needed to specify the clinical experience requirements for consistency with HSC § 114871.

Subsection (b) is necessary to prevent duplication of required training for individuals seeking to obtain the LPRP. Medical assistant (MA) certification by the specified agencies exempts the individual from having to meet the requirements of subparagraphs (E), (F), and (G) of paragraph (1) because these individuals would have already received the training specified in subparagraphs (E), (F), and (G) of paragraph (1) during their training to become an MA.

Subsection (c) is necessary for consistency with HSC § 114871 and to specify how training will be conducted.

Subsection (d) is needed to specify the requirements for supervision, oversight of students, and competency determinations for consistency with section 30417.

Subsection (e) is necessary to identify the lead training instructor's responsibilities so that the lead training instructor is aware of what is required and what their obligations are as a lead training instructor.

Subsection (f) is necessary to ensure students are supervised by qualified individuals in accordance with the RT Act.

Amend Authority and Reference note to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Section 30427.2. Eligibility for and Issuance of Approval of Limited Podiatric Radiography Educational Programs.

Section 30427.2 is proposed to be adopted to implement AB 1704 (Statutes of 2022, chapter 580). It is necessary to identify what must be submitted for consideration of approval, to identify how long the approval term is, and to inform approved LPREPs that they are subject to both announced and unannounced visits.

Subsection (a)(1)(A) is necessary to uniquely identify the applicant, to allow contact with the applicant, and identify where to mail any documents.

Subsection (a)(1)(B) is necessary to identify who is responsible for the LPREP's

compliance with regulatory requirements.

Subsection (a)(1)(C) is necessary to inform applicants of two options for meeting the requirements of section 30427. The applicant may either submit an attestation that they are using the California Podiatric Medical Association program or submit curriculum material that meets the requirements of section 30427.

Subsection (a)(1)(D) is necessary so the Department can distinguish an LPREP's genuine documents from fraudulent documents.

Subsection (a)(2) is necessary to cover the Department's costs to review and process the application.

Subsection (a)(3) is necessary to inform the applicant they will be inspected before a final approval decision is made. The inspection will evaluate the curricula and other requirements specified to determine whether the requirements have been met and the applicant is eligible for approval.

Subsection (b) is necessary to specify that approval is only granted when the applicant meets requirements of the RT Act.

Subsection (c) is necessary to inform approved educational programs they are subject to announced and unannounced inspections as specified in HSC § 114871(b).

Amend Authority and Reference note to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Section 30427.4. Limited Podiatric Radiography Educational Program Notification Requirements.

Section 30427.4 is proposed to be adopted to implement AB 1704 (Statutes of 2022, chapter 580). Section 30427.4 is necessary to inform approved LPREPs of the notification requirements. It is based on and consistent with section 30435.

Subsection (a)(1) is necessary because the LPREP's approval is specific to the location of the podiatric office and the DPM, who is the lead training instructor. A change in this information would constitute a change in the initial approval and therefore the Department must be notified.

Subsection (a)(2) is necessary as the approved LPREP must meet the curricula requirements specified in section 30427. If the curricula are no longer compliant with section 30427 then the LPREP is no longer approvable, and the Department must be notified.

Subsection (a)(3) is necessary because the LPREP's approval is specific to the location of the podiatric office and the DPM, who is the lead training instructor. A change in this information would constitute a change in the initial approval and therefore the Department must be notified.

Section 30435. Notification Requirements.

Subsection (a)(2) is amended for consistency with proposed adoption of section 30426. The contents of the existing section 30427 are proposed to be moved to section 30426 without change resulting in no regulatory effect. A subsection designator was added to the first paragraph of this section for consistency with all other provisions within the RT Act. Subsections within the relocated provisions were also redesignated to maintain coherent structure.

Section 30436. Standards for Suspension or Revocation of Approval.

Section 30436 is proposed to be amended to implement AB 1704 (Statutes of 2022, chapter 580) and to make limited podiatric radiography educational programs aware that they are subject to the standards. Additional grammatical corrections, resulting in nonsubstantive change.

Subsection (a)(2) is amended to exclude LPREPs from the pass rate requirement because an LPREP approval is specific to the individual student. Once the student has completed their training and education, the LPREP would need to apply for a subsequent approval to train another student. Therefore, the pass rate requirement does not apply to LPREPs.

Amend Authority and Reference note to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Article 7. Additional School and Limited Podiatric Radiography Educational Program Requirements and Recordkeeping

Amend the title of **Article 7** to reflect the content of sections within the article. Nonsubstantive change.

Section 30437. Additional School and Limited Podiatric Radiography Educational Program Requirements and Recordkeeping

Section 30437 is proposed to be amended to implement AB 1704 (Statutes of 2022, chapter 580) to inform limited podiatric radiography educational programs that these requirements apply.

Subsection (a) is necessary to ensure that each student who completes the approved LPREP is issued an appropriate certificate or diploma with the required information. The

certificate or diploma must have the lead training instructor's name printed on it and it must also be signed by the lead training instructor. This document is then used by the individual when applying for the podiatric radiography permit.

Subsection (b) is necessary to inform limited podiatric radiography educational programs of the record keeping requirements.

Amend Authority and Reference note to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Section 30442. Limited Permit Categories.

Section 30442 is proposed to be amended to implement AB 1704 (Statutes of 2022, chapter 580). A subsection designator was added to the first paragraph of this section for consistency with all other provisions within the RT Act. Subsections within this section were also redesignated to maintain coherent structure.

Subsection (a)(8) is proposed to be adopted for consistency with section 30443.

Amend Authority and Reference note to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Section 30443. Limited Permit Scopes.

Section 30443 is proposed to be amended to implement AB 1704 (Statutes of 2022, chapter 580). A subsection designator was added to the first paragraph of this section for consistency with all other provisions within the RT Act. Subsections within this section were also redesignated to maintain coherent structure.

Subsection (a)(8) is proposed to be adopted to define the limited podiatric radiography permit scope as defined in HSC § 114871.

Amend Authority and Reference note to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Section 30444. Eligibility for and Issuance of Limited Permits.

Section 30444 is proposed to be amended to implement AB 1704 (Statutes of 2022, chapter 580).

Subsection (a)(1)(A) is amended to appropriately cite the Department's authority to permit an applicant to provide either the ITIN or SSN for purposes of applying for a certificate or the renewal of a certificate within the authority and reference note section

rather than within the regulation text.

Subsection (a)(1)(C) is amended to include limited podiatric educational programs. This is necessary to ensure that applicants who have completed a limited podiatric radiography educational program are eligible to apply for the limited podiatric radiography permit.

Subsection (b) is amended for grammatical correction. This is a nonsubstantive change.

Amend Authority and Reference note to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).

Section 30447. Restrictions.

Section 30447 is proposed to be amended to implement AB 1704 (Statutes of 2022, chapter 580).

Subsection (c) is necessary as the required training for limited podiatric radiography permit holders consists of adequate digital training to perform procedures involving digital radiography.

Amend Authority and Reference note to include HSC § 114871, added by adoption of AB 1704 (Statutes of 2022, chapter 580).