

ADDENDUM TO THE FINAL STATEMENT OF REASONS

DHCS-14-011

Committer Name, Title, Organization and Date of Comment(s)	Comments	Responses
1. Nancy Hayward, Director of Reimbursement, California Association of Health Facilities (CAHF) 10/29/14	If you're amending pediatric subacute regs, you should look at all the institutional provider types, 51511.5 skilled, adult subacute, ICF/DDs. You've only a part of the regulations.	This comment is outside of the scope of this rulemaking. The Department is only amending the regulations for portable imaging which has a tangential effect on subacute facilities as reflected in this regulatory action.
2. Phillip L. Scott, MA, CRT, Regulations Unit Radiologic Health Branch, California Department of Public Health 12/2/14	So I have only one non-substantial comment you may want to pass along. Section 51311(c)(7): the word "film" should be replaced with "image" for consistency with your name change from "X-ray" to "image." The word film, though still in use, implies creation via the photographic (chemical) process whereas "image" is broader to include any image developed via photographic or electronic processes.	In consideration of this comment and upon further review, this subsection was amended through a 15-Day Public Availability published on February 12, 2015; the amendment replaced the word "film" with the word "image," which is consistent with other amendments made through this regulatory action.
3. Diane Przepiorski, Executive Director, California Orthopaedic Association 12/3/14	We understand from the Statement of Reasons, that it is the intention of the Department to define, for the first time, "portable imaging services" and "portable imaging services providers." The regulations are not clear whether these definitions would include portable imaging equipment that might be in a physician's office and the physician and their staff who may operate the equipment.	

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<p>(Continued)</p> <p>Diane Przepiorski, Executive Director, California Orthopaedic Association</p> <p>12/3/14</p>	<p>In reading the regulations, we don't believe that it is the Department's intention to include portable imaging equipment in a physician's office or the physician and their staff in these regulations as there are already existing statutes and regulations that regulate radiation safety covering the operation of the equipment, radiation safety standards, and requirements for certification of physicians who supervise staff in operating the equipment in a physician's office setting. It would be burdensome and seemingly unnecessary to have yet another set of regulations covering the in-office portable imaging equipment. Please clarify if this assumption is correct.</p> <p>Assuming we are making a correct assumption, we offer the following amendment to the definition of portable imaging services to clarify this issue:</p> <p><i>Sec. 51193.1. Portable Imaging Services</i></p> <p><i>"Portable imaging services" means diagnostic imaging examinations which utilize equipment that is transported to locations where these services are performed, but does not include services performed within a "licensee's office" or "office of a group practice" as those terms are defined in Section 650.01 of the Business and Professions Code. These services include the following diagnostic examinations: radiological, ultrasound, echocardiographic, and non-invasive vascular.</i></p>	<p>Section 51193.1 was not amended based on comment.</p> <p>These proposed regulations, including the definition of "portable imaging services" apply to all Medi-Cal providers described under Section 50151 that are enrolled in the Medi-Cal Program and provide services to beneficiaries in accordance with Title 22, California Code of Regulations, Division 3. If a physician or a "licensee's office" or "office of a group practice," as described in the comment qualify as a provider, then these regulations would apply.</p> <p>The proposed definition of "portable imaging services" is clearly written. The additional language suggested by the commenter may not always be accurate, and it is not necessary.</p>