

Erica Pan, MD, MPH
Director and State Public Health Officer

Gavin Newsom
Governor

30 DAY RESPONSE TO PETITIONER
P-25-05 – Radiological Services Staff Physician Requirements

November 25, 2025

VIA ELECTRONIC MAIL

Attn: Mr. Tobias Gilk
Radiology / MRI Consultant
MRIPatientSafety.com
tgilk@MRIpatientsafety.com

RE: Response to Petition Requesting Rulemaking for MRI Safety Regulations

Dear Tobias Gilk.

Thank you for contacting the California Department of Public Health (CDPH). Your petition for rulemaking was received by CDPH on October 30, 2025, under Government Code section 11340.6. CDPH recognizes the public health concerns raised in your petition, which may impact consumers and producers of MRI machines.

However, under Government Code section 11340.7's requirements, CDPH must deny this petition for the following reasons:

Contrary to your petition, California Code of Regulations, title 22, section 70255, subdivision (a), does not state that "Radiological services shall be provided in accordance with written policies and procedures established by the medical staff established by the medical staff and approved by the governing body." Rather, section 70255(a) currently states:

A physician shall have overall responsibility for the radiological service. This physician shall be certified or eligible for certification by the American Board of Radiology. If such a radiologist is not available on a full-time or regular part-time basis, a physician, with training and experience in radiology, may administer the service. In this circumstance, a radiologist, qualified as above, shall provide consultation services at suitable intervals to assure high quality service.

Therefore, it is unclear what regulation you are seeking to amend as the one cited in your petition does not exist.

Moreover, the Radiation Control Law (RCL) effectuates the State policy to protect the public's health and safety by instituting and maintaining a regulatory program for sources of ionizing radiation. (Health & Saf. Code (HSC), §§ 114965 & 114970.) Because the RCL's purpose (HSC § 114970) is specific to ionizing radiation—whereas magnetic resonance imaging (MRI) only uses non-ionizing radiation—MRI regulation is outside the RCL's authority.

The Radiologic Technology Act (RT Act) effectuates the State policy to protect the people of this state from excessive and improper exposure to ionizing radiation. (HSC § 114840.) Because the RT Act's purpose (HSC § 114840) is specific to ionizing radiation—whereas magnetic resonance imaging (MRI) only uses non-ionizing radiation—regulation of MRI is outside the RT Act's authority.

This determination does not in any way affect the merits of your petition nor concerns regarding how MRI machines impact public health. We encourage you to consider contacting your representatives in the California Legislature to address this issue further.

Under Government Code section 11340.7, subdivision (d), any interested person has the right to obtain a copy of the petition submitted to the agency. A copy of the petition and this letter will be posted on the CDPH Office of Regulations website at the following:

https://www.cdph.ca.gov/Programs/OLS/Pages/Petitions_for_Regulatory_Action.aspx

In addition, interested persons may request a copy by contacting the Office of Regulations by email: regulations@cdph.ca.gov, by phone: (916) 558-1710, or by mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814.

If you have any questions, please reach me at Keith.VanWagner@cdph.ca.gov. Thank you.

Sincerely,

Keith Van Wagner
Assistant Chief Counsel
Office of Legal Services