

**State of California
Office of Administrative Law**

In re:
Department of Corrections and
Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Amend sections: 3999.98, 3999.410

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2025-0806-01

OAL Matter Type: Regular (S)

This action by the Department of Corrections and Rehabilitation amends regulations to ensure staff properly screen and document patient tuberculosis symptoms.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2026.

Date: September 18, 2025



Anna Thomas
Attorney

For: Kenneth J. Pogue
Director

Original: Jeffrey Macomber, Secretary
Copy: Robin Hart

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

See instructions on
reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2024-0726-02	REGULATORY ACTION NUMBER 2025-0806-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

OFFICE OF ADMINISTRATIVE LAW

Electronic Submission

RECEIVED DATE

07/26/2024

PUBLICATION DATE

08/16/2024

OFFICE OF ADMIN. LAW
2025 AUG 6 PM3:32

NOTICE

REGULATIONS

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

SEP 18 2025

1:58 PM
[Signature]

AGENCY WITH RULEMAKING AUTHORITY

California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE Tuberculosis Program		TITLE(S) 15	FIRST SECTION AFFECTED 3999.98	2. REQUESTED PUBLICATION DATE 8/16/24
3. NOTICE TYPE ☒ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON Adam Burrell		TELEPHONE NUMBER 916-691-0584
FAX NUMBER (Optional)		NOTICE REGISTER NUMBER 2024,33-2		PUBLICATION DATE 8/16/24
OAL USE ONLY		ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Tuberculosis Program		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	
TITLE(S) 15		AMEND 3999.98, 3999.410	
		REPEAL	

3. TYPE OF FILING

- | | | | |
|---|---|---|---|
| ☒ Regular Rulemaking (Gov. Code §11346) | ☐ 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. | ☐ Emergency Readopt (Gov. Code, §11346.1(h)) | ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | ☐ File & Print | ☐ Print Only |
| ☐ Emergency (Gov. Code, §11346.1(b)) | | ☐ 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)

July 3, 2025 - July 18, 2025

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- | | | | |
|--|--|---|--|
| ☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | ☐ Effective on filing with Secretary of State | ☐ §100 Changes Without Regulatory Effect | ☐ Effective other (Specify) _____ |
|--|--|---|--|

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- | | | |
|--|--|---|
| ☐ Department of Finance (Form STD. 399) (SAM §6660) | ☐ Fair Political Practices Commission | ☐ State Fire Marshal |
| ☐ Other (Specify) _____ | | |

7. CONTACT PERSON Robin Hart	TELEPHONE NUMBER 916-896-6780	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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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

DATE

8/1/2025

Jeffrey Macomber

TYPED NAME AND TITLE OF SIGNATORY

Jeffrey Macomber, Secretary, California Department of Corrections and Rehabilitation

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 18 2025

Office of Administrative Law

PER AGENCY
REQUEST
ALT

9/18/25

FINAL TEXT OF REGULATIONS

In the following, ~~striketrough~~ indicates deleted text and underline indicates added, amended, or moved text.

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs, and Parole

Chapter 2. Rules and Regulations of Health Care Services

Article 1. Health Care Definitions

Section 3999.98 is amended to incorporate in alphabetical order the following, and all other text within this section remains the same:

Section 3999.98. Definitions.

Interferon-Gamma Release Assays Test means the standard method used by the Department for the detection of ~~recent or past~~ Tuberculosis (TB) infection.

Tuberculosis Disease means a disease caused by ~~bacteria known as~~ Mycobacterium TB or other bacteria in the Mycobacterium TB complex. TB is a treatable infectious disease that usually affects the lungs and airway, but may also affect other parts of the body. People with TB disease of the lungs or airway may be highly infectious to others until they have received their initial phase of treatment with TB medications. People with TB disease in other parts of the body but not in the lungs are not infectious to others.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

Subchapter 3. Health Care Operations

Article 11. Public Health

Section 3999.410 is amended to read:

3999.410. Disease and Virus Testing.

(a) The California Department of Corrections and Rehabilitation (CDCR) shall assess, screen, treat, and contain Tuberculosis (TB).

(1) Reception Centers (RC). Patients shall be ~~immediately~~ screened for TB symptoms upon arrival at the ~~Reception Center (RC)~~ before being housed as part of the ~~RC~~ screening process.

(A) Asymptomatic patients with a prior negative Interferon-Gamma Release Assays (IGRA) test, negative Tuberculin Skin Test (TST), or unknown or inadequate documentation of TB

infection status shall have an IGRA test drawn at the RC unless there is documentation of a negative IGRA test or negative TST in the prior 30 calendar days.

1. Asymptomatic patients known to be HIV infected shall also receive a chest ~~Xx-r~~Ray within 72 hours of arrival unless their records contain documentation of a normal or stable chest ~~Xx-r~~Ray within the preceding 30 days. The chest ~~Xx-r~~Ray shall be read within 24 hours. Any HIV infected patient with a chest ~~Xx-r~~Ray abnormality that cannot be documented as stable for 60 or more days by previous records, shall be isolated and evaluated by a clinician even if asymptomatic.

~~(B) Patients with signs or symptoms of TB shall wear a surgical mask and be sent to the Triage and Treatment Area to be evaluated for active TB disease.~~

~~(B)(C) Patients with written documentation of a positive IGRA test or a positive TST, and no documentation of a complete course of treatment for latent tuberculosis infection, and no prior chest x-ray or the prior chest x-ray was taken more than six months before entry or re-entry into CDCR, shall, within 72 hours of arrival at an RC, have a chest x-ray and further workup as clinically indicated to rule out TB disease. with a written record of a positive interpretation shall:~~

~~1. Within 72 hours of arrival at an RC, have a chest X Ray and further workup as clinically indicated to rule out TB disease.~~

~~2. Have a repeat chest X Ray, if the prior chest X Ray was taken more than six months before entry or re-entry into CDCR.~~

~~(C)(D) Patients with a history of prior TB disease shall:~~

~~1. Be evaluated by a health care provider. and should~~

~~2. Have a baseline chest Xx-rRay.~~

(2) Patients arriving at a CDCR institution shall ~~immediately~~ receive symptom screening pursuant to ~~subsection (a)(1)~~ for TB disease as part of the transfer screening process set forth in section 3999.306.

(A) This includes patients who are:

1. ~~Transferred~~ between CDCR institutions;

2. ~~who r~~Returned from out-to-court;

3. ~~who r~~Returned from a higher level of care;

4. ~~or who are short stay~~ Laid over (enroute or ~~layover~~ short stay) patients with no known recent exposure to an active TB patient.

(3) Annual and other periodic screening. Patients housed in a CDCR institution shall receive a TB evaluation annually. ~~In addition, a patient and may~~ receive periodic screenings based on the status of TB infection treatment.

(A) All patients with a history of TB disease or untreated latent TB infection shall be educated about TB infection and disease. signs and symptoms of TB disease and available treatment options.

(4) The results of the TB symptom screening shall be documented in the health record.

(5) Patients with signs or symptoms of TB during any of the above screenings shall wear a procedure mask and be sent immediately to the Triage and Treatment Area to be evaluated for active TB disease.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5008.2, 5054 and 7570-7576, Penal Code; Section 121060, Health and Safety Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.