



Department of Corrections and Rehabilitation

NOTICE OF CHANGE TO HEALTH CARE REGULATIONS

Section(s): 3418



CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES

Number:

26-01

Publication Date:

February 6, 2026

Effective Date:

To Be Announced

INSTITUTION POSTING AND CERTIFICATION REQUIRED

This Notice announces the proposed adoption of section 3418 of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, to incorporate into the CCR, provisions concerning tuberculosis testing.

IMPLEMENTATION: To Be Announced

PUBLIC COMMENT PERIOD

Any person may submit written comments about the proposed regulations to California Correctional Health Care Services, Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA 95758, or by email to HCreulationsandpolicy@cdcr.ca.gov. All written comments must be received by the close of the public comment period, **March 24, 2026, at 5:00 p.m.**

PUBLIC HEARING INFORMATION

A virtual public hearing will be held on March 24, 2026, from 1:30 p.m. to 2:00 p.m. Go to <https://cchcs.ca.gov/health-care-regs/> for the link to join the virtual hearing, or you may call (916) 701-9994 and enter phone conference ID 728 827 103# to join by phone (audio only).

POSTING

This Notice shall be posted immediately upon receipt at locations accessible to incarcerated persons, supervised persons, and employees in each Department facility and field office not later than five calendar days after receipt. Also, facilities shall make this Notice available for review by incarcerated persons in restricted housing who do not have access to the posted copies and shall distribute it to incarcerated person law libraries and advisory councils. CDCR 621-HC (Rev. 07/20), Certification of Posting, shall be returned to the Health Care Regulations and Policy Section electronically. See Health Care Department Operations Manual, Section 5.1.1 for posting procedures.

CONTACT PERSON

Inquiries regarding this action may be directed to R. Hart, Associate Director, Risk Management Branch, California Correctional Health Care Services (CCHCS) at California Correctional Health Care Services, P.O. Box 588500, Elk Grove, CA 95758; by telephone at (916) 691-2921; or by email at HCreulationsandpolicy@cdcr.ca.gov. In the event the contact person is unavailable, inquiries should be directed to A. Burrell, Staff Services Manager II, Health Care Regulations and Policy Section, CCHCS, at (916) 691-2922.

JEFFREY MACOMBER
Secretary
California Department of Corrections and Rehabilitation

J. CLARK KELSO
Receiver

Attachments

NOTICE OF PROPOSED REGULATORY ACTION

California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to adopt section 3418 of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, concerning tuberculosis (TB) testing.

PUBLIC HEARING:

A virtual public hearing will be held on **March 24, 2026, from 1:30 p.m. to 2:00 p.m.** To join the virtual hearing, follow this link: [click here](#) or you may call (916) 701-9994 and enter phone conference ID 728 827 103# to join by phone (audio only). The purpose of the hearing is to receive written and oral comments about the proposed regulations. Any person may submit public comments orally or in writing during the hearing.

PUBLIC COMMENT PERIOD:

The public comment period will close on **March 24, 2026, at 5:00 p.m.** Any person may submit public comments in writing (by mail or by email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by email to HCreulationsandpolicy@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON:

Please direct any inquiries regarding this action to:

R. Hart
Associate Director
Risk Management Branch
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691-2922

A. Burrell
Supervisor II
Health Care Regulations and Policy Section
California Correctional Health Care Services
(916) 691-2921

AUTHORITY AND REFERENCE:

GC section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

PC section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: 6006, 6006.5, and 6007, PC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

The CDCR and CCHCS propose to adopt section 3418 of the CCR, Title 15, Division 3, Chapter 1, governing TB testing. Effective July 1, 2025, amendments to PC sections 6006, 6006.5, and 6007 were made, resulting in changes to the TB testing process for CDCR employees. The amendments were made to streamline the hiring process and align with the California Department of Public Health requirements and Centers for Disease Control and Prevention recommendations.

The regulatory action ensures compliance with the PC sections 6006, 6006.5, and 6007 TB testing requirements through proper screening and documentation of CDCR employees.

This action provides the following:

- Clarifies existing TB testing process and certification requirements for CDCR employees.
- Clarifies and streamline the hiring process.
- Eliminates unnecessary TB testing and screening certification requirements for CDCR employees.
- Ensures CDCR maintains accurate records for affected employees.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS:

The Department anticipates the proposed regulations will benefit the CDCR staff by ensuring the Department follows standardized TB testing processes and guidelines. The proposed changes will also improve efficiency for CDCR staff by reducing unnecessary TB testing and screening, thereby streamlining internal processes and reducing repetitive administrative tasks.

FORMS INCORPORATED BY REFERENCE:

Not applicable.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS:

Pursuant to GC section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has determined these proposed regulations are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES:

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to GC section 17500 — 17630.

FISCAL IMPACT STATEMENT:

- Cost or savings to any State agency: *None*
- Cost to any local agency or school district that is required to be reimbursed: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS:

The Department has made an initial determination that the proposed action will have no significant effect on housing costs because this regulatory action relates solely to the internal administrative process regarding TB testing and requirements within CDCR which only affect CDCR staff.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS:

The Department has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because this regulatory action relates solely to the internal administrative process regarding TB testing and requirements within CDCR which only affect CDCR staff.

RESULTS OF ECONOMIC IMPACT ASSESSMENT:

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California because this regulatory action relates solely to the internal administrative process regarding TB testing and requirements within CDCR which only affect CDCR staff.

In accordance with Government Code (GC) section 11346.3(b), the Department has made the following assessments regarding the proposed regulation:

1. Creation or Elimination of Jobs within the State of California

The Department does not expect that the proposed regulations will have an impact on the creation of new or the elimination of existing jobs within the State of California. These regulatory changes pertain solely to internal administrative process regarding TB testing and requirements within CDCR.

2. Creation of New or Elimination of Existing Businesses within the State of California

The Department does not expect that the proposed regulations will have an impact on the creation of new or the elimination of existing businesses within the State of California. These regulatory changes pertain solely to internal administrative process regarding TB testing and requirements within CDCR.

3. Expansion of Businesses Currently Doing Business within the State of California

The Department does not expect that the proposed regulations will have an impact on the expansion of businesses currently doing business within the State of California. These regulatory changes pertain solely to internal administrative processes regarding TB testing and requirements within CDCR.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS:

The proposed regulations will protect public health and safety, worker safety, and benefit CDCR staff by ensuring the Department follows standardized TB testing processes and guidelines. The proposed changes will also improve efficiency for CDCR staff by reducing unnecessary TB testing and screening, thereby streamlining internal processes and reducing repetitive administrative tasks. The proposed regulations will have no effect on the State's environment as the State's environment is not impacted by these administrative and operational changes.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This regulation change pertains solely to the internal administrative process regarding TB testing and requirements within CDCR which only affect CDCR staff.

EFFECT ON SMALL BUSINESSES:

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because this regulation change pertains solely to the internal administrative process regarding TB testing within CDCR which only affects CDCR staff.

CONSIDERATION OF ALTERNATIVES:

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website <https://cchcs.ca.gov> and CDCR institution law libraries.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS:

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 calendar days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person listed in this Notice. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

TEXT OF PROPOSED REGULATIONS

In the following, ~~strikethrough~~ 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 1. Rules and Regulations of Adult Operations and Programs

Subchapter 5. Personnel

Article 2. Employees

New Section 3418 is adopted to read:

Section 3418. Employee Tuberculosis Testing.

(a) During the first seven calendar days of employment at an institution, employees required to provide a certificate showing they are free of active tuberculosis (TB) pursuant to Penal Code (PC), Section 6007(a), but have not yet provided certification may:

(1) Participate in onboarding and training pending submission of their certification.

(2) Have baseline TB testing completed by an Employee Health Program Registered Nurse (EHP RN) or by a community provider if it was not conducted during pre-employment. If the test results are positive and:

(A) The test was completed by the EHP RN, the EHP RN shall provide a copy of results to an employee.

(B) The employee has symptoms that are consistent with active pulmonary TB, the hiring authority, or designee, shall direct the employee to leave institution grounds and to consult with their medical provider for a chest x-ray and evaluation to determine they are negative for active pulmonary TB. The employee shall not be permitted to return to the institution until their symptoms have resolved, and a medical provider has ruled out active pulmonary TB. This evaluation must include a chest x-ray that is negative for active pulmonary TB, and the employee shall provide this to the department.

(C) The employee is asymptomatic, the hiring authority, or designee, shall direct the employee to consult with their medical provider for a chest x-ray and evaluation to determine they are negative for active pulmonary TB. The employee may continue to work on institution grounds but shall not perform any job duties within licensed units until they provide the department with results of a chest x-ray that is negative for active pulmonary TB.

(b) The EHP RN shall facilitate annual TB screenings pursuant to PC Section 6007.

(1) If further evaluation is clinically indicated, the employee shall be directed to consult with their medical provider.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 6006, 6006.5 and 6007, Penal Code.

INITIAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR) proposes to adopt section 3418 of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, Subchapter 5, Article 2 regarding employee tuberculosis (TB) testing.

Summary of the Proposal

Problem Statement:

Effective July 1, 2025, amendments to Penal Code (PC) sections 6006, 6006.5, and 6007 were made, resulting in changes to the TB testing process for CDCR employees. The amendments were made to streamline the hiring process and align with the California Department of Public Health requirements and Centers for Disease Control and Prevention recommendations.

Objective:

This regulatory action ensures compliance with the PC sections 6006, 6006.5, and 6007 TB testing requirements through proper screening and documentation of CDCR employees.

Benefit:

The proposed regulations will:

- Clarify existing TB testing process and certification requirements for CDCR employees.
- Clarify and streamline the hiring process.
- Eliminate unnecessary TB testing and screening certification requirements for CDCR employees.
- Ensure CDCR maintains accurate records for affected employees.

ECONOMIC IMPACT ASSESSMENT

In accordance with Government Code (GC) section 11346.3(b), the Department has made the following assessments regarding the proposed regulation:

1. Creation or Elimination of Jobs within the State of California

The Department does not expect that the proposed regulations will have an impact on the creation of new or the elimination of existing jobs within the State of California. The proposed regulations pertain solely to the internal administrative process regarding TB testing and requirements for CDCR staff.

2. Creation of New or Elimination of Existing Businesses within the State of California

The Department does not expect that the proposed regulations will have an impact on the creation of new or the elimination of existing businesses within the State of California. The proposed regulations pertain solely to the internal administrative process regarding TB testing and requirements for CDCR staff.

3. Expansion of Businesses Currently Doing Business within the State of California

The Department does not expect that the proposed regulations will have an impact on the expansion of businesses currently doing business within the State of California. The proposed regulations pertain solely to the internal administrative process regarding TB testing and requirements for CDCR staff.

4. Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed regulations will protect public health and safety, worker safety, and benefit CDCR staff by ensuring the Department follows standardized TB testing processes and guidelines. The proposed changes will also improve efficiency for CDCR staff by reducing unnecessary TB testing and screening, thereby streamlining internal processes and reducing repetitive administrative tasks. The proposed regulations will have no effect on the State's environment as the State's environment is not impacted by these administrative and operational changes.

Statement of Determinations

Reasonable Alternatives

In accordance with GC section 11346.5(a)(13), the Department has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Local Mandates

The Department has determined that this action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to GC sections 17500 - 17630.

Significant Adverse Economic Impact

The Department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed regulations pertain solely to the internal administrative process regarding TB testing and requirements for CDCR staff.

Based on the economic impact assessment, the Department has determined that the regulation will not significantly affect the following:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

The economic impact assessment shows that the proposed regulatory action will benefit the health and welfare of California residents, worker safety, and/or the State's environment.

Reports, Studies and Documents Relied Upon

1. Not applicable.

SPECIFIC PURPOSE AND RATIONALE FOR EACH REGULATION PROPOSED FOR AMENDMENT, ADOPTION, OR REPEAL

Chapter 1. Rules and Regulations of Adult Operations and Programs

Subchapter 5. Personnel

Article 2. Employees

New section 3418(a) is adopted to introduce sections 3999.3418(a)(1) – (a)(2)(C) which outline what employees new or transferring to an institution who are not certified to be tuberculosis (TB) free may do during the first seven calendar days of employment. This is necessary to ensure a standardized process for TB certification and clarify what activities employees are allowed to complete during the first seven calendar days of employment.

New section 3418(a)(1) is adopted to establish that employees may participate in onboarding and training pending submission of their certification. This is necessary for operational efficiency and employee readiness, clarifying that employees may receive onboarding and training, which does not require performing any job duties in a licensed area within the institution, prior to providing the necessary certification showing they are free of active TB.

New section 3418(a)(2) is adopted to require employees to have baseline TB testing completed by an Employee Health Program Registered Nurse (EHP RN) or by a community provider if it was not conducted during pre-employment, and introduce the process, conditions, and requirements for when the test results are positive. This is necessary to ensure the required evaluation is obtained by qualified clinical staff and establish the role of the EHP RN in the certification process.

New section 3418(a)(2)(A) is adopted to establish that if the test results are positive and the test was completed by the EHP RN, the EHP RN shall provide a copy of the results to an employee. This is necessary to ensure employees are informed of their test result.

New section 3418(a)(2)(B) is adopted to establish that if the test results are positive and the employee has symptoms that are consistent with active pulmonary TB, the hiring authority, or designee, shall direct the employee to leave institution grounds and to consult with their medical provider for a chest x-ray and evaluation to determine they are negative for active pulmonary TB. This is necessary to ensure staff accountability and clarity for chain of command responsibilities. This is also necessary to ensure employees are provided sufficient information to consult with their medical provider for the required evaluation. This section is also adopted to establish that the employee shall not be permitted to return to the institution until their symptoms have resolved, and a medical provider has ruled out active pulmonary TB. This is necessary to reduce the risk of disease and illness transmission to CDCR staff and patients. In addition, this section is adopted to provide that the evaluation must include a chest x-ray that is negative for active pulmonary TB, and the employee shall provide the evaluation to the department. This is necessary to ensure the health and safety of CDCR staff and patients.

New section 3418(a)(2)(C) is adopted to establish that if the test results are positive and the employee is asymptomatic, the hiring authority, or designee, shall direct the employee to consult with their medical provider for a chest x-ray and evaluation to determine they are negative for active pulmonary TB. This is necessary to ensure staff accountability and clarity for chain of command responsibilities. This is also necessary to ensure employees are provided sufficient information to consult with their medical provider for the required evaluation. This section is also adopted to establish that the employee may continue to work on institution grounds but shall not perform any job duties within licensed units until they provide the department with results of a chest x-ray that is negative for active pulmonary TB. This is necessary to reduce the risk of disease and illness transmission to CDCR staff and patients, ensuring the health and safety of CDCR staff and patients.

New section 3418(b) is adopted to establish that the EHP RN shall facilitate annual TB screenings pursuant to PC Section 6007. This is necessary to ensure a standardized process for annual TB screenings in accordance with statute.

New section 3418(b)(1) is adopted to establish that, if further evaluation is clinically indicated, the employee shall be directed to consult with their medical provider. This is necessary to ensure staff accountability and ensure employees are provided sufficient information to consult with their medical provider.