

Assembly Bill No. 356

CHAPTER 459

An act to amend Section 107110 of the Health and Safety Code, relating to public health.

[Approved by Governor October 4, 2021. Filed with Secretary of State October 4, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 356, Chen. Fluoroscopy: temporary permit.

The Radiologic Technology Act makes it unlawful for any licentiate of the healing arts to administer or use diagnostic, mammographic, or therapeutic x-ray on human beings in this state, unless that person is certified by the State Department of Public Health and acting within the scope of that certification. The act requires the department to prescribe minimum qualifications for granting a fluoroscopy permit and continuing education requirements for the holders of that permit. A person who violates a provision of the Radiologic Technology Act or regulation of the department adopted pursuant to that act is guilty of a misdemeanor.

This bill would, notwithstanding those requirements, authorize the department to issue a physician and surgeon or a doctor of podiatric medicine a one-time, nonrenewable, temporary permit to operate, or supervise the operation of, fluoroscopic x-ray equipment if the physician and surgeon or the doctor of podiatric medicine meets specified criteria, including attesting under penalty of perjury of having at least 40 hours of experience using that equipment while not subject to the act. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill would require the temporary permit to convey the same rights as a fluoroscopy permit for the period for which it is issued, in the classification for which the physician and surgeon or the doctor of podiatric medicine is eligible. The temporary permit would be valid for up to 12 months from the date of issue. Under the bill, the fee for the temporary permit would be \$58, which the department would be authorized to revise under specified conditions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 107110 of the Health and Safety Code is amended to read:

107110. (a) It shall be unlawful for any licentiate of the healing arts to administer or use diagnostic, mammographic, or therapeutic x-ray on human beings in this state, unless that person is certified pursuant to subdivision (e) of Section 114870, Section 114872, or Section 114885, and is acting within the scope of that certification.

(b) (1) Notwithstanding subdivision (a), the department may issue a physician and surgeon or a doctor of podiatric medicine a one-time, temporary permit authorizing them to operate, or supervise the operation of, fluoroscopic x-ray equipment if the physician and surgeon or the doctor of podiatric medicine holds a valid, unrestricted California license as a physician and surgeon or a doctor of podiatric medicine, has submitted an application for a fluoroscopy permit, attests under penalty of perjury of having at least 40 hours of experience using fluoroscopic x-ray equipment while not subject to the Radiologic Technology Act (Section 27), and has submitted the application fee specified in paragraph (3).

(2) A temporary permit issued pursuant to paragraph (1) shall convey the same rights as a fluoroscopy permit for the period for which it is issued, in the classification for which the physician and surgeon or the doctor of podiatric medicine is eligible, and shall be valid for up to 12 months from the date of issue. The department shall not renew a temporary permit, and each applicant may receive a temporary permit one time only.

(3) The fee required by paragraph (1) shall be fifty-eight dollars (\$58). The department may revise this fee, so long as the fee charged under this paragraph does not exceed the department’s reasonable costs in administering the temporary permit program, and in no case exceeds the amount of the fee for the permit to operate, or supervise the operation of, fluoroscopic x-ray equipment.

(4) A temporary permit issued under this subdivision is subject to Section 107070.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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