

AMENDED IN SENATE SEPTEMBER 3, 2021

AMENDED IN SENATE AUGUST 26, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 356

**Introduced by Assembly Member Chen
(Coauthors: Assembly Members Flora and Santiago)**

February 1, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

AB 356, as amended, 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. ~~The 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 ~~certificate~~ 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. ~~The bill would require the department to charge a fee to cover the reasonable costs of administering the temporary permit program.~~ 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 107110 of the Health and Safety Code
2 is amended to read:
3 107110. (a) It shall be unlawful for any licentiate of the healing
4 arts to administer or use diagnostic, mammographic, or therapeutic
5 x-ray on human beings in this ~~state after January 1, 1972, state,~~
6 unless that person is certified pursuant to subdivision (e) of Section
7 114870, Section 114872, or Section 114885, and is acting within
8 the scope of that certification.
9 (b) (1) Notwithstanding subdivision (a), the department may
10 issue a physician and surgeon or a doctor of podiatric medicine a
11 one-time, temporary permit authorizing them to ~~operate~~ operate,
12 or supervise the operation ~~of~~ of, fluoroscopic x-ray equipment in
13 ~~California~~ if the physician and surgeon or the doctor of podiatric
14 medicine holds a valid, unrestricted California license as a
15 physician and surgeon or a doctor of podiatric medicine, has
16 submitted an application for a fluoroscopy ~~certificate, and attests~~
17 ~~that they have operated or supervised the use of fluoroscopy in~~

1 ~~their practice outside of California more than 10 times in surgery.~~
2 ~~permit, attests under penalty of perjury of having at least 40 hours~~
3 ~~of experience using fluoroscopic x-ray equipment while not subject~~
4 ~~to the Radiologic Technology Act (Section 27), and has submitted~~
5 ~~the application fee specified in paragraph (3).~~

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

13 ~~(3) The department shall charge a fee for a temporary permit to~~
14 ~~the extent necessary to administer the certification. The fee charged~~
15 ~~under this paragraph shall be in an amount sufficient to recover~~
16 ~~the department's reasonable costs in administering the temporary~~
17 ~~permit program, but shall not exceed the amount of the fee for the~~
18 ~~certification to operate or supervise the operation of fluoroscopic~~
19 ~~x-ray equipment.~~

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

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

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