

Date of Hearing: May 12, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 356 (Chen) – As Introduced February 1, 2021

Policy Committee:	Health	Vote:	15 - 0
	Business and Professions		19 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill authorizes the California Department of Public Health (CDPH) to issue a physician and surgeon (MD) or a doctor of podiatric medicine (DPM) a one-time, temporary permit authorizing the MD or DPM to operate or supervise the operator of fluoroscopic X-ray equipment if the MD or DPM holds a valid California license as an MD or DPM, has submitted an application for a fluoroscopy certificate and has used fluoroscopy in another state.

It requires CDPH to charge a fee for a temporary permit in an amount sufficient to recover CDPH's reasonable costs in administering the temporary permit program, not to exceed the fluoroscopy certification fee.

FISCAL EFFECT:

Costs to CDPH in the hundreds of thousands of dollars for the first two to three years to develop regulations establishing the new permit and application forms and ongoing costs, likely in the \$100,000 to \$200,000 range, to process additional permits (Radiation Control Fund).

COMMENTS:

1) **Purpose.** According to the author, this bill helps patients by allowing an MD or a DPM who has used fluoroscopy in their practice in another state to have a one-time, temporary permit to use fluoroscopy to give them time to complete the requirements for a California fluoroscopy permit. Because California is one of only two states to require doctors and podiatrists to have an additional permit to use fluoroscopy in surgery, the author explains, many doctors who have practiced in other states do not know they need to get a permit until they get to California. The author contends the process to get a permit can take months. Since patients need their doctors to be able to use fluoroscopy in surgery, the author argues this bill will allow an out-of-state doctor who has used fluoroscopy get a one-time temporary permit to use fluoroscopy while they complete the requirements for a California permit.

2) **Background.** The U.S. Food and Drug Administration describes fluoroscopy as:

A type of medical imaging that shows a continuous X-ray image on a monitor, much like an X-ray movie. During a fluoroscopy procedure, an X-ray beam is passed through the body. The image is transmitted to a monitor so the movement of a body part or of an instrument or contrast agent ('X-ray dye') through the body can be seen in detail.

In California, a permit is required to operate fluoroscopy equipment. To obtain such a permit, an applicant must pass an examination administered by the American Registry of Radiology Technologists. According to the CDPH, approximately 8,800 physicians and podiatrists currently hold valid fluoroscopy permits.

The supporters of this bill point out that the current timeline for an applicant to sign up for, take and pass the permit examination is relatively protracted, taking up to six months for an applicant to ultimately receive their results.

Prior legislation has been introduced to scrap the CDPH certification process entirely, as some stakeholders believe requirements for a fluoroscopy permit from the Radiological Health Branch at CDPH are effectively duplicative of federal requirements. California is one of few states that require a separate fluoroscopy certification. This bill addresses the narrower issue of an experienced MD or DPM coming from out of state and allows CDPH to issue a temporary permit until a full certification can be processed.

- 3) **Support.** The California Orthopedic Association (COA) and the California Podiatric Medical Association (CPMA) are co-sponsors of this bill. Sponsors explain California has the most stringent and burdensome regulations regarding fluoroscopy and radiology in the country and this bill would help physicians provide care in California without delay.

The California Society of Radiologic Technologists (CSRT) supports this bill if amended to only allow a six-month temporary license.

- 4) **Prior Legislation.** AB 2544 (Santiago), of the 2019-20 Legislative Session, would have permitted DPH to issue an MD or DPM a temporary fluoroscopy permit that is valid for up to nine months from the date of issue. AB 2544 was referred to Assembly Health Committee and not heard.

AB 407 (Santiago), of the 2019-20 Legislative Session, would have authorized an MD or DPM who works in a setting that is in compliance with the Centers for Medicare and Medicaid Services' Conditions for Coverage relating to radiation safety to provide fluoroscopy services without a fluoroscopy permit or certification. AB 407 was held in the Senate Appropriations Committee.

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