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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2021 - 2022 Regular Session

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### AB 356 (Chen) - Fluoroscopy: temporary permit

**Version:** February 1, 2021

**Urgency:** No

**Hearing Date:** July 5, 2021

**Policy Vote:** B., P. & E.D. 11 - 0

**Mandate:** No

**Consultant:** Janelle Miyashiro

**Bill Summary:** AB 356 authorizes the California Department of Public Health to issue a one-time, temporary permit to operate fluoroscopic x-ray equipment to a California licensed physician, surgeon, or doctor of podiatric medicine if the licensee has used fluoroscopy in another state.

**Fiscal Impact:** The California Department of Public Health (CDPH) anticipates total costs of \$619,904 in the first year and \$218,340 ongoing to address an increase in administrative workload to issue the temporary permits (Radiation Control Fund).

**Background:** Fluoroscopy is a type of medical imaging that utilizes ionizing radiation to generate images of the body. According to the United States Food and Drug Administration, fluoroscopy 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 and the image is transmitted to a monitor so the movement of a body part, instrument, or contrast agent through the body can be seen in detail.

In California, the Radiologic Health Branch within the Radiation Safety and Environmental Management Division of the Department of Public Health enforces the laws and regulations addressing ionizing radiation, including the certification of medical and industrial x-ray and radioactive material users. A radiologic technologist fluoroscopy permit, a fluoroscopy supervisor and operator permit, or a Physician Assistants fluoroscopy permit is required to operate fluoroscopy equipment. To obtain such a permit, an applicant must currently pass an examination administered by the American Registry of Radiology Technologists. According to the CDPH, close to 8,800 physicians and podiatrists currently hold valid fluoroscopy permits.

### Proposed Law:

- Authorizes the CDPH to issue a one-time, temporary permit to operate or supervise the operation of fluoroscopic x-ray equipment to a California licensed physician, surgeon, or doctor of podiatric medicine if the licensee has submitted an application for a fluoroscopy certificate and has used fluoroscopy in another state.
- Requires the fluoroscopy certificate application to indicate the locations or facilities where the physician, surgeon, or doctor of podiatric medicine will be providing fluoroscopy.
- Provides that a temporary fluoroscopy permit convey the same rights as a fluoroscopy certificate in the same classification and is valid up to 12 months from the date issued.

- Prohibits the CDPH not renew a temporary permit, and specifies that each applicant may receive a temporary permit only once.
- Requires the CDPH to charge a fee for a temporary permit to the extent necessary to administer the certification in an amount sufficient to cover the costs of administering the temporary permit program, but not to exceed the amount of the fee for the certificate to operate or supervise the operation of fluoroscopic x-ray equipment.
- Provides that a temporary permit may be denied, revoked, or suspended by CDPH for specified reasons.
- Makes technical changes.

**Related Legislation:** AB 2544 (Santiago, 2020) would have allowed the CDPH to issue a temporary fluoroscopy permit to a licensed physician and surgeon or doctor of podiatric medicine that is valid for up to nine months from the date of issue. AB 2544 was not heard in a policy committee.

**Staff Comments:**

The CDPH estimates:

- One-time cost of \$401,105 in Fiscal Year (FY) 2021-22 to develop regulations, prepare rulemaking documentation, issue public notices, and conduct public hearings.
- One-time cost of \$459 in FY 2021-22 to develop and implement a process for issuing non-renewable temporary permits to provide fluoroscopy, which includes developing a database and software.
- Ongoing costs of \$218,340 starting in FY 2021-22 for an additional 2.0 permanent staff to process applications and issue nonrenewable temporary and renewable permits to applicants.

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