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THIRD READING

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Bill No: AB 356  
Author: Chen (R), et al.  
Amended: 8/26/21 in Senate  
Vote: 21

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SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 11-0, 6/21/21  
AYES: Roth, Archuleta, Bates, Becker, Eggman, Hurtado, Jones, Min, Newman,  
Ochoa Bogh, Pan  
NO VOTE RECORDED: Melendez, Dodd, Leyva

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/26/21  
AYES: Portantino, Bates, Bradford, Jones, Kamlager, Laird, McGuire

ASSEMBLY FLOOR: 78-0, 5/27/21 - See last page for vote

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**SUBJECT:** Fluoroscopy: temporary permit

**SOURCE:** California Orthopaedic Association  
California Podiatric Medical Association

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**DIGEST:** This bill authorizes a licensed California physician and surgeon or doctor of podiatric medicine who attests that they have operated or supervised the use of fluoroscopy in their practice outside of California more than 10 times in surgery to receive a one-time temporary permit authorizing them to operate or supervise the operation of fluoroscopic x-ray equipment.

**ANALYSIS:**

Existing law:

- 1) Provides the Radiologic Health Branch (RHB) within the California Department of Public Health (CDPH) with responsibility for administering and enforcing the Radiologic Technology Act. (Health and Safety Code (HSC) §§ 106955 *et seq.*)

- 2) Requires RHB to provide for the certification of radiologic technologists, as well as physicians and surgeons, to use certain radiologic technology. (HSC § 114870)
- 3) Requires RHB to issue a fluoroscopy permit to a qualified licensee of the healing arts. (HSC § 114872)
- 4) Authorizes only a licensed physician and surgeon, podiatrist, chiropractor, or any person practicing a licensed healing art, or any technician working under the direct and immediate supervision of those persons, to operate or maintain any X-ray fluoroscope, or other equipment or apparatus employing roentgen rays, in the fitting of shoes or other footwear or in the viewing of bones in the feet. (HSC § 106955)
- 5) Prohibits any healing arts licensee from administering or using diagnostic, mammographic, or therapeutic X-rays on human beings unless that person is certified and acting within the scope of that certification. (HSC § 107110)
- 6) Allows RHB to grant limited-term special permits to persons exempting them from certification requirements if there is substantial evidence that the people in the locality in which the exemption is sought would be denied adequate medical care because of unavailability of certified radiologic technologists. (HSC § 114885)
- 7) Requires those holding a fluoroscopy permit, in the two years immediately preceding the expiration date of that permit, to earn approved continuing education credits, including credits in radiation safety for the clinical uses of fluoroscopy. (Title 17, CCR § 30403 (b))

This bill:

- 1) Authorizes CDPH to issue a licensed California 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 individual holds a valid California license, applies application for a fluoroscopy certificate, and attests that they have operated or supervised the use of fluoroscopy in their practice outside of California more than 10 times in surgery.
- 2) Specifies that a temporary permit conveys the same rights as a fluoroscopy certificate 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 that the temporary permit is valid for up to 12 months from the date of issue.

- 3) Requires CDPH to charge a fee for a temporary permit in an amount sufficient to recover the reasonable costs in administering the temporary permit program, not to exceed the amount of the fee for the certification to operate or supervise the operation of fluoroscopic x-ray equipment.
- 4) Specifies that the temporary permit may be denied, revoked, or suspended for the same reasons as other certificates issued by RHB.

## **Background**

According to the Food and Drug Administration, fluoroscopy is 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 that the movement of a body part or of an instrument or contrast agent (“X-ray dye”) through the body can be seen in detail. Fluoroscopy is used in a wide variety of examinations and procedures to diagnose or treat patients. Some examples are: barium X-rays and enemas (to view the gastrointestinal tract); catheter insertion and manipulation (to direct the movement of a catheter through blood vessels, bile ducts or the urinary system); placement of devices within the body, such as stents (to open narrowed or blocked blood vessels); angiograms (to visualize blood vessels and organs); and, orthopedic surgery (to guide joint replacements and treatment of fractures). Like most other forms of radiologic procedures, use of this technology is regulated through the CDPH, and healing arts licensees must meet certain training and certification requirements to perform fluoroscopy services.

In California, 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.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: No

According to the Senate Appropriations Committee, 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.

**SUPPORT:** (Verified 8/27/21)

California Orthopedic Association (co-source)  
California Podiatric Medical Association (co-source)  
California Radiological Society

**OPPOSITION:** (Verified 8/27/21)

None received

**ARGUMENTS IN SUPPORT:** The sponsors write that “This simple bill creates a one-time, temporary permit allowing physicians and doctors of podiatric medicine, who have used fluoroscopy in another state, to use fluoroscopy in California while they go through the process to receive fluoroscopy certification. California has the most stringent and burdensome regulations regarding doctors performing fluoroscopy and radiography across the country. In fact, only California and Alaska require additional certification to use fluoroscopy. Since California’s certification process is unique, when out-of-state practitioners come to California, they often do not anticipate the need for fluoroscopy certification. The certification process is antiquated and takes 6 to 9 months to obtain. During that time, the doctor cannot use fluoroscopy in surgery.”

The California Radiological Society writes that they “support the need for the education and training to obtain the Fluoroscopy Permit but recognize the problems with delays in obtaining the permit due to testing opportunities. We believe that AB 356 provides a solution by allowing the Radiologic Health Branch to issue a temporary permit for a physician or podiatrist coming to California from another state where they were utilizing fluoroscopy. The permit is good for up to one year and is not renewable.”

**ASSEMBLY FLOOR:** 78-0, 5/27/21

**AYES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares,

Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

Prepared by: Sarah Mason / B., P. & E.D. /  
8/31/21 9:27:36

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