

AMENDED IN SENATE AUGUST 14, 2002

AMENDED IN SENATE JUNE 17, 2002

AMENDED IN ASSEMBLY MAY 24, 2002

AMENDED IN ASSEMBLY APRIL 4, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2753**

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**Introduced by Assembly Member Aanestad**

February 25, 2002

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An act to amend Section 114870 of the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2753, as amended, Aanestad. Health care: bone densitometers.

Existing law provides for the regulation of various entities by the State Department of Health Services to protect persons from excessive and improper exposure to ionizing radiation in radiologic technology, and establishes standards of education, training, and experience for persons who use X-rays on any person.

This bill would provide for certification, by the department, of a physician and surgeon to operate and supervise the operation of an X-ray bone densitometer, as specified, if the physician and surgeon provides the department a certificate by a manufacturer of a densitometer machine or by a radiologic technology school that evidences the completion of training by the physician and surgeon in the use of the bone densitometer. *This bill would require that if the physician and surgeon uses a bone densitometer other than for which*

he or she was certified, that he or she must complete training, as specified, in the use of that bone densitometer, and provide to the department, on the request of the department, evidence of training in the use of that bone densitometer. This bill would require the department to charge a fee for these certificates, to the extent necessary to administer certification, in an amount sufficient to cover the department's costs of implementing the provisions of this bill.

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

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

1 SECTION 1. Section 114870 of the Health and Safety Code  
2 is amended to read:  
3 114870. The department shall do all of the following:  
4 (a) Upon recommendation of the committee, adopt regulations  
5 as may be necessary to accomplish the purposes of this chapter.  
6 (b) Provide for certification of radiologic technologists,  
7 without limitation as to procedures or areas of application, except  
8 as provided in Section 106980. Separate certificates shall be  
9 provided for diagnostic radiologic technology, for mammographic  
10 radiologic technology, and for therapeutic radiologic technology.  
11 If a person has received accreditation to perform mammography  
12 from a private accreditation organization, the department shall  
13 consider this accreditation when deciding to issue a  
14 mammographic radiologic technology certificate.  
15 (c) Provide, as may be deemed appropriate, for granting  
16 limited permits to persons to conduct radiologic technology  
17 limited to the performance of certain procedures or the application  
18 of X-rays to specific areas of the human body, except for  
19 mammography, prescribe minimum standards of training and  
20 experience for these persons, and prescribe procedures for  
21 examining applicants for limited permits. The minimum standards  
22 shall include a requirement that persons granted limited permits  
23 under this subdivision shall meet those fundamental requirements  
24 in basic radiological health training and knowledge similar to  
25 those required for persons certified under subdivision (b) as the  
26 department determines are reasonably necessary for the protection  
27 of the health and safety of the public.



1 (d) Provide for the approval of schools for radiologic  
2 technologists.

3 (e) Provide, upon recommendation of the committee, for  
4 certification of licentiates of the healing arts to supervise the  
5 operation of X-ray machines or to operate X-ray machines, or  
6 both, prescribe minimum standards of training and experience for  
7 these licentiates of the healing arts, and prescribe procedures for  
8 examining applicants for certification. This certification may limit  
9 the use of X-rays to certain X-ray procedures and the application  
10 of X-rays to specific areas of the human body.

11 (f) (1) Provide for certification of any physician and surgeon  
12 to operate, and supervise the operation of, a bone densitometer, if  
13 that physician and surgeon provides *the department* a certificate  
14 that evidences training in the use of a bone densitometer by a  
15 representative of a bone densitometer machine manufacturer, or  
16 through any radiologic technology school. The certification shall  
17 be valid ~~only for the particular bone densitometer the physician~~  
18 ~~and surgeon was trained to use. A certificate shall be valid for the~~  
19 ~~use of another bone densitometer if the certified physician and~~  
20 ~~surgeon provides documentation of training in the use of another~~  
21 ~~bone densitometer, as set forth in subparagraph (A) of paragraph~~  
22 ~~(2). The activity for the particular bone densitometer the physician~~  
23 ~~and surgeon was trained to use, and for any other bone~~  
24 ~~densitometer that meets all of the criteria specified in~~  
25 ~~subparagraphs (A) to (C), inclusive, if the physician and surgeon~~  
26 ~~has completed training, as specified in subparagraph (A) of~~  
27 ~~paragraph (2), for the use of that bone densitometer. The physician~~  
28 ~~and surgeon shall, upon request of the department, provide~~  
29 ~~evidence of training, pursuant to subparagraph (A) of paragraph~~  
30 ~~(2), for the use of any bone densitometer used by the physician and~~  
31 ~~surgeon. The activity covered by the certificate shall be limited to~~  
32 the use of an X-ray bone densitometer to which all of the following  
33 is applicable:

34 (A) The bone densitometer does not require user intervention  
35 for calibration.

36 (B) The bone densitometer does not provide an image for  
37 diagnosis.

38 (C) The bone densitometer is used only to estimate bone  
39 density of the heel, wrist, or finger of the patient.



1 (2) The certificate shall be accompanied by a copy of the  
2 curriculum covered by the manufacturer’s representative or  
3 radiologic technology school. The curriculum shall include, at a  
4 minimum, instruction in all of the following areas:

5 (A) Procedures for operation of the bone densitometer ~~machine~~  
6 ~~if the machine is to be operated by the physician and surgeon, or~~  
7 ~~if the operation of the machine is to be supervised by the physician~~  
8 ~~and surgeon.~~ *by the physician and surgeon, and for the supervision*  
9 *of the operation of the bone densitometer by other persons,*  
10 *including procedures for quality assurance of the bone*  
11 *densitometer.*

12 (B) Proper radiation protection of the operator, the patient, and  
13 third parties in proximity to the ~~machine~~ *bone densitometer.*

14 ~~(C) Applicable state radiation control regulations.~~

15 (C) *Provisions of Article 5 (commencing with Section 106955)*  
16 *of Chapter 4 of Part 1 of Division 104.*

17 (D) *Provisions of Chapter 6 (commencing with Section*  
18 *114840) of Part 9 of Division 104.*

19 (E) *Provisions of Group 1 (commencing with Section 30100) of*  
20 *Subchapter 4 of Chapter 5 of Division 1 of Title 17 of the California*  
21 *Code of Regulations.*

22 (F) *Provisions of Group 1.5 (commencing with Section 30108)*  
23 *of Subchapter 4 of Chapter 5 of Division 1 of Title 17 of the*  
24 *California Code of Regulations.*

25 (G) *Provisions of Article 1 (commencing with Section 30250)*  
26 *of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17*  
27 *of the California Code of Regulations.*

28 (H) *Provisions of Article 2 (commencing with Section 30254)*  
29 *of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17*  
30 *of the California Code of Regulations.*

31 (I) *Provisions of Article 3 (commencing with Section 30265) of*  
32 *Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17 of*  
33 *the California Code of Regulations.*

34 (J) *Provisions of Article 4 (commencing with Section 30305) of*  
35 *Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17 of*  
36 *the California Code of Regulations.*

37 (K) *Provisions of Subchapter 4.5 (commencing with Section*  
38 *30400) of Chapter 5 of Division 1 of Title 17 of the California Code*  
39 *of Regulations.*



1 (3) (A) Notwithstanding any other provision of law, this  
2 subdivision shall constitute all the requirements that must be met  
3 by a physician and surgeon in order to operate, and supervise the  
4 operation of, a bone densitometer. *The department may adopt*  
5 *regulations consistent with this section in order to administer the*  
6 *certification requirements.*

7 (B) No person may be supervised by a physician and surgeon  
8 in the use of a bone densitometer unless that person possesses the  
9 necessary license or permit required by the department.

10 (C) Nothing in this subdivision shall affect the requirements  
11 imposed by the committee or the department for the registration  
12 of a bone densitometer machine, or *for* the inspection of facilities  
13 in which any bone densitometer machine is operated.

14 (D) This subdivision shall not apply to a licentiate of the  
15 healing arts who is certified pursuant to subdivision (e) ~~to operate,~~  
16 ~~and supervise the operation of, X-ray machines.~~ *or pursuant to*  
17 *Section 107111.*

18 (E) The department shall charge a fee for a certificate issued  
19 pursuant to this subdivision to the extent necessary to administer  
20 certification. The fee shall be in an amount sufficient to cover the  
21 department's costs of implementing this subdivision and shall not  
22 exceed the fee for certification to operate or supervise the  
23 operation of an X-ray machine pursuant to subdivision (e). The  
24 fees collected pursuant to this subparagraph shall be deposited into  
25 the Radiation Control Fund established pursuant to Section  
26 114980.

27 (g) Upon recommendation of the committee, exempt from  
28 certification requirements those licentiates of the healing arts who  
29 have successfully completed formal courses in schools certified by  
30 the department and who have successfully passed a roentgenology  
31 technology and radiation protection examination approved by the  
32 department and administered by the board that issued his or her  
33 license.

