

AMENDED IN ASSEMBLY MARCH 31, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 3044

Introduced by Assembly Member ~~Chavez~~ Yee

February 26, 2004

An act to add Article 5 (commencing with Section 125120) to Chapter 1 of Part 5 of Division 106 of the Health and Safety Code, relating to prenatal testing.

LEGISLATIVE COUNSEL'S DIGEST

AB 3044, as amended, ~~Chavez~~ Yee. Prenatal ultrasounds.

The Hereditary Disorders Act requires the State Department of Health Services to establish regulations and standards for a hereditary disorders program, including with respect to clinical testing procedures for use in programs, facilities, and projects.

Existing law requires the department to administer a statewide program for the prenatal testing for genetic disorders and birth defects, including, but not limited to, ultrasounds.

This bill would require a person who performs a prenatal ultrasound to detect congenital heart disease to substantiate that he or she meets training and experience levels jointly developed by 3 nationally recognized organizations. The bill would prohibit a health facility or clinic, with the exception of a small and rural hospital, from permitting a person who does not meet these requirements from performing a prenatal ultrasound to detect congenital heart disease unless certain conditions are met. The bill would require any person performing an ultrasound under these provisions to provide information to a pregnant woman regarding neonatal intensive care units in the area if a congenital

abnormality is detected. The bill would make a violation of these prohibitions a misdemeanor. Because this bill would create a new crime, it would impose a state-mandated local program.

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: yes.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The evaluation of the fetal heart is one of the more difficult
4 tasks for persons who perform prenatal, or fetal, ultrasounds.

5 (b) Congenital heart defects are one of the most common birth
6 defects and associated with one of the highest mortality rates
7 following birth.

8 (c) The incidence of congenital heart disease ranges from eight
9 to 10 incidents for every 1,000 births.

10 (d) Persons who perform prenatal ultrasounds to detect
11 congenital heart disease, including, but not limited to,
12 ~~obstetricians~~—*physicians* and ultrasound technicians, are not
13 required to meet any specific training and experience levels.

14 (e) Recommendations regarding how a routine prenatal
15 ultrasound should be performed to detect congenital heart disease
16 have been developed jointly by the American Institute of
17 Ultrasound in Medicine (AIUM), the American College of
18 Radiology (ACR), and the American College of Obstetrics and
19 Gynecology (ACOG) and are considered current standards of
20 practice.

21 (f) If these nationally recognized standards for performing
22 prenatal ultrasound that screens for congenital heart defects were
23 followed, prenatal detection rates of congenital heart disease and
24 other fetal defects would significantly increase and result in
25 improved outcomes for neonates and decreased costs to hospitals.



1 SEC. 2. Article 5 (commencing with Section 125120) is
2 added to Chapter 1 of Part 5 of Division 106 of the Health and
3 Safety Code, to read:

4
5 Article 5. Prenatal Ultrasounds
6

7 125120. Any person who performs a prenatal ultrasound, also
8 known as a fetal ultrasound, to screen for congenital heart disease,
9 shall substantiate that he or she meets the following training and
10 experience levels, which have been developed jointly by the
11 American Institute of Ultrasound in Medicine (AIUM), the
12 American College of Radiology (ACR), and the American College
13 of Obstetrics and Gynecology (ACOG):

14 (a) The ultrasound shall be performed in “real time” rather
15 than “still frame” for review by the ~~obstetrician~~-physician,
16 ultrasound technician, or both for normal fetal heart function and
17 rhythm and the presence of all four valves.

18 (b) The ultrasound shall include a four chamber view to assess
19 the size, position, axis, and symmetry of the heart and the great
20 arteries.

21 (c) ~~An obstetrician~~-A *physician* who performs the prenatal
22 ultrasound shall substantiate that he or she has obtained 15
23 continuing medical education credits per year in antepartum or
24 obstetrical ultrasound.

25 (d) An ultrasound technician who performs the prenatal
26 ultrasound shall substantiate that he or she has obtained, or is in the
27 process of obtaining, 30 continuing medical education credits over
28 a three-year period in obstetrical ultrasound.

29 125122. If a congenital abnormality is detected upon review
30 of the prenatal ultrasound to screen for congenital heart disease,
31 the performing-~~obstetrician~~ *physician* or ultrasound technician
32 shall provide information to the pregnant woman regarding the
33 nearest and highest level neonatal intensive care unit in the
34 geographical area for recommended followup prenatal care.

35 125123. A health facility or clinic may not permit a person
36 who does not meet the requirements specified in Section 125120
37 to perform a prenatal ultrasound to detect congenital heart disease
38 without the direct supervision of a qualified practitioner and unless
39 the person demonstrates active participation in obtaining any

1 continuing medical education credits required under subdivision
2 (c) or (d) of Section ~~125121~~ 125120.
3 125124. The department may adopt regulations to implement
4 the requirements of this article.
5 125125. This article or any regulations adopted pursuant to
6 this article shall not apply to any person who performs prenatal
7 ultrasounds in a small and rural hospital, as defined in Section
8 124840, or a rural health clinic. For purposes of this subdivision,
9 “rural health clinic” means a clinic that is located in an area that
10 is not an urbanized area, as defined by the Bureau of the Census
11 of the United States Department of Commerce, and in which there
12 are insufficient numbers of needed health care practitioners, as
13 determined by the Director of Health Services.
14 125126. A violation of this article or any regulations adopted
15 pursuant to this article shall be punishable as a misdemeanor.
16 SEC. 3. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

