

AMENDED IN SENATE JUNE 16, 2004
AMENDED IN ASSEMBLY MAY 20, 2004
AMENDED IN ASSEMBLY MAY 6, 2004
AMENDED IN ASSEMBLY APRIL 26, 2004
AMENDED IN ASSEMBLY APRIL 14, 2004
AMENDED IN ASSEMBLY MARCH 31, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 3044

Introduced by Assembly Member Yee

February 26, 2004

An act to add Section 1264 to the Health and Safety Code, relating to prenatal testing.

LEGISLATIVE COUNSEL'S DIGEST

AB 3044, as amended, 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, commencing July 1, 2006, would require any licensed health facility that provides prenatal *screening* ultrasound ~~screening~~ to detect congenital heart defects, with the exception of small and rural

~~hospital~~ *hospitals*, to require that the ultrasound be performed by a sonographer who is nationally certified in obstetrical ultrasound by the American Registry for Diagnostic Medical Sonography, *nationally certified cardiac sonography by Cardiac Credentialing International*, work credentialed in sonography by the American Registry of Radiologic Technologists, or has a minimum of 2 years *full-time* of work experience in this state as a sonographer in prenatal ultrasound. The bill would also require a sonographer to perform ultrasound under the supervision of a licensed physician and surgeon.

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. 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) One out of every 125 to 150 babies is born with a congenital
9 heart defect each year.

10 (d) If all sonographers in health facilities in the state who
11 perform prenatal ultrasounds to screen for congenital heart defects
12 were required to be nationally certified in obstetrical ultrasound,
13 it could significantly increase prenatal detection rates of
14 congenital heart disease and other fetal defects, and could result in
15 improved outcomes for neonates and decreased costs to providers.

16 SEC. 2. Section 1264 is added to the Health and Safety Code,
17 to read:

18 1264. (a) Any health facility licensed under Section 1250
19 that provides prenatal ~~ultrasound-screening~~ *screening ultrasound*
20 to detect congenital heart defects shall require that the ultrasound
21 be performed by a sonographer who is nationally certified in
22 obstetrical ultrasound by the American Registry for Diagnostic
23 Medical Sonography (ARDMS), *nationally certified in cardiac*
24 *sonography by Cardiac Credentialing International (CCI)*, or
25 credentialed in sonography by the American Registry of
26 Radiologic Technologists (ARRT).



1 (b) For purposes of this section, the following shall apply:

2 (1) A sonographer is also known as an “ultrasound
3 technologist.”

4 (2) “Sonographer” means any nonphysician who is qualified
5 by national certification or academic or clinical experience to
6 perform diagnostic medical ultrasound, with a subspecialty in
7 obstetrical ultrasound.

8 (c) (1) Any sonographer who is certified as required in
9 subdivision (a) or otherwise meets the requirements of this section,
10 shall, in performing a prenatal ultrasound to detect congenital
11 heart defects, perform the work under the supervision of a licensed
12 physician and surgeon ~~who interprets the results.~~

13 (2) For purposes of this section, licensed physician and surgeon
14 means any physician and surgeon, licensed pursuant to Chapter 5
15 (commencing with Section 2000) of Division 2 of the Business and
16 Professions Code.

17 (d) Any person with a minimum of two years of *full-time* work
18 experience in this state as a sonographer in prenatal ultrasound
19 shall be deemed to be in compliance with the requirements of this
20 section.

21 (e) A health facility shall develop policies and procedures to
22 implement the requirements of this section.

23 (f) This section and regulations adopted pursuant to this section
24 shall not prohibit any physician and surgeon licensed pursuant to
25 Chapter 5 (commencing with Section 2000) of Division 2 of the
26 Business and Professions Code from performing a prenatal
27 ultrasound nor in any other way limit the ability of a licensed
28 physician and surgeon to practice medicine in a manner consistent
29 with that license.

30 (g) This section and regulations adopted pursuant to this
31 section shall not apply to any practitioner who performs limited
32 prenatal ultrasounds for the purpose of obtaining an amniotic fluid
33 index, fetal position, a biophysical profile or dating a pregnancy
34 prior to 20 weeks gestation.

35 (h) (1) This section and regulations adopted pursuant to this
36 section do not apply to any person who performs prenatal
37 ultrasounds in a small and rural hospital or a rural health clinic.

38 (2) For purposes of this section, “small and rural hospital” is
39 the same as defined in Section 124840.



1 (3) For purposes of this section, “rural health clinic” means
2 any clinic that is located more than 30 miles or 30 minutes driving
3 distance from the city hall for any metropolitan area with a
4 population of 150,000 or more.

5 (i) Article 4 (commencing with Section 1235) and any other
6 provision relating to criminal sanctions for violations of this
7 chapter shall not apply to any person who violates this section or
8 any regulation adopted pursuant to this section.

9 (j) This section shall become operative on July 1, 2006.

