

AMENDED IN SENATE AUGUST 23, 2004

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 to detect congenital heart defects, ~~with the exception of small and rural hospitals,~~ *defects* 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 *in* cardiac sonography by ~~Cardiac~~ *Cardiovascular* 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 *and has obtained, or is obtaining, 30 continuing medical education credits over a 3-year period in 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 screening ultrasound to detect congenital
20 heart defects shall require that the ultrasound be performed by a
21 sonographer who is nationally certified in obstetrical ultrasound



1 by the American Registry for Diagnostic Medical Sonography
2 (ARDMS), nationally certified in cardiac sonography by ~~Cardiac~~
3 *Cardiovascular* Credentialing International (CCI), or credentialed
4 in sonography by the American Registry of Radiologic
5 Technologists (ARRT).

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

7 (1) A sonographer is also known as an “ultrasound
8 ~~technologist.”~~ *technologist*” or “*sonologist*.”

9 (2) “Sonographer” means any nonphysician who is qualified
10 by national certification or academic or clinical experience to
11 perform diagnostic medical ultrasound, with a subspecialty in
12 obstetrical ultrasound.

13 (c) (1) Any sonographer who is certified as required in
14 subdivision (a) or otherwise meets the requirements of this section,
15 shall, in performing a prenatal ultrasound to detect congenital
16 heart defects, perform the work under the supervision of a licensed
17 physician and surgeon.

18 (2) For purposes of this section, licensed physician and surgeon
19 means any physician and surgeon, licensed pursuant to Chapter 5
20 (commencing with Section 2000) of Division 2 of the Business and
21 Professions Code.

22 (d) Any person with a minimum of two years of full-time work
23 experience in this state as a sonographer in prenatal ultrasound *and*
24 *has obtained, or is in the process of obtaining, 30 continuing*
25 *medical education credits over a three-year period in ultrasound*
26 shall be deemed to be in compliance with the requirements of this
27 section.

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

30 (f) This section and ~~regulations~~ *policies and procedures*
31 adopted pursuant to this section shall not prohibit any physician
32 and surgeon licensed pursuant to Chapter 5 (commencing with
33 Section 2000) of Division 2 of the Business and Professions Code
34 from performing a prenatal ultrasound nor in any other way limit
35 the ability of a licensed physician and surgeon to practice medicine
36 in a manner consistent with that license.

37 (g) This section and ~~regulations~~ *policies and procedures*
38 adopted pursuant to this section shall not apply to any ~~practitioner~~
39 *physician and surgeon, sonologist, certified nurse-midwife, or*
40 *nurse practitioner* who performs limited prenatal ultrasounds for



1 the purpose of obtaining an amniotic fluid index, fetal position, a
2 biophysical profile or dating a pregnancy prior to 20 weeks
3 gestation.

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

7 ~~(2) For purposes of this section, "small and rural hospital" is~~
8 ~~the same as defined in Section 124840.~~

9 ~~(3) For purposes of this section, "rural health clinic" means~~
10 ~~any clinic that is located more than 30 miles or 30 minutes driving~~
11 ~~distance from the city hall for any metropolitan area with a~~
12 ~~population of 150,000 or more.~~

13 ~~(i)~~

14 ~~(h) Article 4 (commencing with Section 1235) and any other~~
15 ~~provision relating to criminal sanctions for violations of this~~
16 ~~chapter shall not apply to any person who violates this section or~~
17 ~~any regulation adopted pursuant to this section.~~

18 ~~(j)~~

19 ~~(i) This section shall become operative on July 1, 2006.~~

