

Assembly Bill No. 3044

CHAPTER 770

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

[Approved by Governor September 24, 2004. Filed with Secretary of State September 24, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3044, 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 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 Cardiovascular Credentialing International, 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.

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

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

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

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

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



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

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

1264. (a) Any health facility licensed under Section 1250 that provides prenatal screening ultrasound to detect congenital heart defects shall require that the ultrasound be performed by a sonographer who is nationally certified in obstetrical ultrasound by the American Registry for Diagnostic Medical Sonography (ARDMS), nationally certified in cardiac sonography by Cardiovascular Credentialing International (CCI), or credentialed in sonography by the American Registry of Radiologic Technologists (ARRT).

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

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

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

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

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

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

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

(f) This section and policies and procedures adopted pursuant to this section shall not prohibit any physician and surgeon licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code from performing a prenatal ultrasound



nor in any other way limit the ability of a licensed physician and surgeon to practice medicine in a manner consistent with that license.

(g) This section and policies and procedures adopted pursuant to this section shall not apply to any physician and surgeon, sonologist, certified nurse-midwife, or nurse practitioner who performs limited prenatal ultrasounds for the purpose of obtaining an amniotic fluid index, fetal position, a biophysical profile or dating a pregnancy prior to 20 weeks gestation.

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

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

