

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 510

Introduced by Assembly Member Bonnie Lowenthal

February 15, 2011

~~An act to amend Section 130070 of the Health and Safety Code, relating to health facilities. An act to amend Sections 115111 and 115113 of the Health and Safety Code, relating to public health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 510, as amended, Bonnie Lowenthal. ~~Hospitals: seismic safety. Radiation control: health facilities and clinics: records.~~

Under existing law, the State Department of Public Health licenses and regulates health facilities and clinics, as defined. Under existing law, the Radiation Control Law, the department licenses and regulates persons that use devices or equipment utilizing radioactive materials. Under existing law, the department is authorized to require registration and inspection of sources of ionizing radiation, as defined. Existing law, commencing July 1, 2012, requires that a facility using a computed tomography (CT) X-ray system record the dose of radiation on every CT study produced. Existing law requires that the displayed dose of radiation be verified annually by a medical physicist to ensure the accuracy of the displayed dose unless the facility is accredited. Violations of these provisions are a crime.

This bill would delete the exemption for accredited facilities and authorize accredited facilities to elect not to annually verify the displayed dose of radiation, as specified. Because accredited facilities

could now be subject to these provisions, and because a violation of these provisions is a crime, the bill would impose a state-mandated local program by expanding the scope of a crime. The bill also would require the dose to be verified for the facility's standard adult brain, adult abdomen, and pediatric brain protocols.

Existing law, commencing July 1, 2012, requires a facility to report the discovery of certain information about an event in which the administration of radiation results in prescribed occurrences, within 5 business days of the discovery of the event, to the department and the patient's referring physician.

This bill would instead require that this report be made within 10 business days of the discovery of the event.

The bill would also make technical and clarifying changes.

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.

~~Existing law provides for the licensure of health facilities, including general acute care hospitals, by the State Department of Public Health.~~

~~Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973. Existing law requires that, after January 1, 2008, any general acute care hospital building that is determined to be a potential risk of collapse or pose significant loss of life be used only for nonacute care hospital purposes, except that the office may grant specified extensions of that deadline, under prescribed circumstances.~~

~~Existing law requires, no later than January 1, 2030, owners of all acute care inpatient hospitals to either demolish, replace, or change to nonacute care use all hospital buildings not in substantial compliance with the regulations and standards developed by the office pursuant to existing seismic safety laws or seismically retrofit all acute care inpatient hospital buildings so that they are in substantial compliance. The office is required to notify the department of hospital owners that have been notified of a failure to comply with the above-described deadlines. Unless the notified hospital places its license in voluntary suspense, the~~

department is required to suspend or refuse to renew the hospital's license.

This bill would, instead, prohibit a hospital that receives the above-described notice from providing general acute care inpatient services in the noncompliant building. It would also require the department to suspend or refuse to renew the license of a hospital that does not provide basic general acute care services because of this bill's requirements.

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

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

1 SECTION 1. Section 115111 of the Health and Safety Code is
2 amended to read:

3 115111. (a) Commencing July 1, 2012, subject to subdivision
4 (e), a person that uses a computed tomography (CT) X-ray system
5 ~~for~~ *dedicated to only diagnostic* human use shall record the dose
6 of radiation on every CT study produced during a CT examination
7 *on a system.*

8 (b) The facility conducting the study shall electronically send
9 each CT study and protocol page that lists the technical factors
10 and dose of radiation to the electronic picture archiving and
11 communications system.

12 (c) (1) The displayed dose shall be verified annually by a
13 medical physicist *for the facility's standard adult brain, adult*
14 *abdomen, and pediatric brain protocols*, to ensure the displayed
15 doses are within 20 percent of the true measured dose measured
16 in accordance with subdivision (f) ~~unless the facility is accredited.~~
17 ~~A~~

18 (2) *A facility that is accredited may elect not to perform the*
19 *verification described in paragraph (1).*

20 (d) Subject to subdivision (e), the radiology report of a CT study
21 shall include the dose of radiation by either recording the dose
22 within the patient's radiology report or attaching the protocol page
23 that includes the dose of radiation to the radiology report.

24 (e) The requirements of this section shall be limited to CT
25 systems capable of calculating and displaying the dose.

26 (f) For the purposes of this section, dose of radiation shall be
27 defined as one of the following:

1 (1) The computed tomography index volume (CTDI vol) and
2 dose length product (DLP), as defined by the International
3 Electrotechnical Commission (IEC) and recognized by the federal
4 Food and Drug Administration (FDA).

5 (2) The dose unit as recommended by the American Association
6 of Physicists in Medicine.

7 *SEC. 2. Section 115113 of the Health and Safety Code, as*
8 *amended by Section 1 of Chapter 139 of the Statutes of 2011, is*
9 *amended to read:*

10 115113. (a) Except for an event that results from patient
11 movement or interference, a facility shall report to the department
12 an event in which the administration of radiation results in any of
13 the following:

14 (1) Repeating of a CT examination, unless otherwise ordered
15 by a physician or a radiologist, if the following dose values are
16 exceeded:

17 (A) 0.05 Sv (5 rem) effective dose ~~equivalent~~.

18 (B) 0.5 Sv (50 rem) to an organ or tissue.

19 (C) 0.5 Sv (50 rem) shallow dose ~~equivalent~~ to the skin.

20 (2) CT X-ray irradiation of ~~a body part~~ *an area of the body* other
21 than that intended by the ordering physician or a radiologist if *at*
22 *least* one of the following dose values are exceeded:

23 (A) 0.05 Sv (5 rem) effective dose ~~equivalent~~.

24 (B) 0.5 Sv (50 rem) to an organ or tissue.

25 (C) 0.5 Sv (50 rem) shallow dose ~~equivalent~~ to the skin.

26 (3) CT or therapeutic exposure that results in unanticipated
27 permanent functional damage to an organ or a physiological
28 system, hair loss, or erythema, as determined by a qualified
29 physician.

30 (4) A CT or therapeutic dose to an embryo or fetus that is greater
31 than 50 mSv (5 rem) dose ~~equivalent~~, that is a result of radiation
32 to a known pregnant individual unless the dose to the embryo or
33 fetus was specifically approved, in advance, by a qualified
34 physician.

35 (5) Therapeutic ionizing irradiation of the wrong individual; or
36 *the wrong nonoverlapping* treatment site.

37 (6) The total dose from therapeutic ionizing radiation delivered
38 differs from the prescribed dose by 20 percent or more. A report
39 shall not be required pursuant to this paragraph in any instance
40 where the dose administered exceeds 20 percent of the amount

1 prescribed in a situation where the radiation was utilized for
2 palliative care for the specific patient. The radiation oncologist
3 shall notify the referring physician that the dose was exceeded.

4 (b) The facility shall, no later than five 10 business days after
5 discovery of an event described in subdivision (a), provide
6 notification of the event to the department and the referring
7 physician of the person subject to the event and shall, no later than
8 15 business days after discovery of an event described in
9 subdivision (a) provide written notification to the person who is
10 subject to the event.

11 (c) This section shall become inoperative on the effective date
12 of the act that added this subdivision, and shall remain inoperative
13 until July 1, 2012.

14 *SEC. 3. No reimbursement is required by this act pursuant to*
15 *Section 6 of Article XIII B of the California Constitution because*
16 *the only costs that may be incurred by a local agency or school*
17 *district will be incurred because this act creates a new crime or*
18 *infraction, eliminates a crime or infraction, or changes the penalty*
19 *for a crime or infraction, within the meaning of Section 17556 of*
20 *the Government Code, or changes the definition of a crime within*
21 *the meaning of Section 6 of Article XIII B of the California*
22 *Constitution.*

23 ~~SECTION 1. Section 130070 of the Health and Safety Code~~
24 ~~is amended to read:~~

25 ~~130070. The office shall notify the State Department of Public~~
26 ~~Health of the hospital owners that have received a written notice~~
27 ~~of violation for failure to comply with either Section 130060 or~~
28 ~~130065. Notwithstanding Chapter 2 (commencing with Section~~
29 ~~1250) of Division 2, upon receipt of a notice of violation from the~~
30 ~~office because of its failure to comply with either Section 130060~~
31 ~~or 130065, a hospital shall not provide general acute care inpatient~~
32 ~~services in the building that is the subject of the notice of violation.~~
33 ~~The department shall suspend or refuse to renew the license of a~~
34 ~~hospital that does not provide basic general acute care services~~
35 ~~because of this section. The license shall be reinstated or renewed~~
36 ~~upon presentation to the department of a written notice of~~
37 ~~compliance issued by the office.~~