

Introduced by Senator PadillaDecember 6, 2010

An act to amend Section 115113 of the Health and Safety Code, relating to public health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 38, as introduced, Padilla. 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. Violation of these provisions is a crime.

Existing law, effective January 1, 2011, requires a facility to report certain information about an event in which the administration of radiation results in prescribed occurrences to the department, the affected patient, and the patient's treating physician.

This bill would instead, commencing on July 1, 2012, require a facility to report these events.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 115113 of the Health and Safety Code
2 is amended to read:

3 115113. (a) Except for an event that results from patient
4 movement or interference, a facility shall report to the department
5 an event in which the administration of radiation results in and of
6 the following:

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

10 (A) 0.05Sv (5 rem) effective dose equivalent.

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

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

13 (2) CT X-ray irradiation of a body part other than that intended
14 by the ordering physician or a radiologist if one of the following
15 dose values are exceeded:

16 (A) 0.05 Sv (5 rem) effective dose equivalent.

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

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

19 (3) CT or therapeutic exposure that results in unanticipated
20 permanent functional damage to an organ or a physiological
21 system, hair loss, or erythema, as determined by a qualified
22 physician.

23 (4) A CT or therapeutic dose to an embryo or fetus that is greater
24 than 50 mSv (5 rem) dose equivalent, that is a result of radiation
25 to a known pregnant individual unless the dose to the embryo or
26 fetus was specifically approved, in advance, by a qualified
27 physician.

28 (5) Therapeutic ionizing irradiation of the wrong individual, or
29 wrong treatment site.

30 (6) The total dose from therapeutic ionizing radiation delivered
31 differs from the prescribed dose by 20 percent or more. A report
32 shall not be required pursuant to this paragraph in any instance
33 where the dose administered exceeds 20 percent of the amount
34 prescribed in a situation where the radiation was utilized for
35 palliative care for the specific patient. The radiation oncologist
36 shall notify the referring physician that the dose was exceeded.

37 (b) The facility shall, no later than five business days after
38 discovery of an event described in subdivision (a), provide

1 notification of the event to the department and the referring
2 physician of the person subject to the event and shall, no later than
3 15 business days after discovery of an event described in
4 subdivision (a) provide written notification to the person who is
5 subject to the event.

6 (c) The information required pursuant to this section shall
7 include, but not be limited to, information regarding each
8 substantiated adverse event, as defined in Section 1279.1, reported
9 to the department, and may include compliance information history.

10 (d) *This section shall become operative on July 1, 2012.*

11 SEC. 2. This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety within
13 the meaning of Article IV of the Constitution and shall go into
14 immediate effect. The facts constituting the necessity are:

15 In order for the State Department of Public Health to implement
16 the requirements imposed by Chapter 521 of the Statutes of 2010,
17 it is necessary that this act go into immediate effect.