

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2143

Introduced by Assembly Member Williams

February 20, 2014

An act to amend Section ~~850~~ 1241 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2143, as amended, Williams. ~~Healing arts. Clinical laboratories: chiropractors.~~

Under existing law, the State Department of Public Health licenses and regulates clinical laboratories and certain clinical laboratory personnel performing clinical laboratory tests or examinations, subject to certain exceptions, including individuals who perform clinical laboratory tests or examinations approved by the federal Food and Drug Administration for sale as an over-the-counter test kit. Under the Chiropractic Act, enacted by an initiative measure, the State Board of Chiropractic Examiners licenses and regulates chiropractors.

This bill would exempt chiropractors listed on the federal Department of Transportation National Registry of Certified Medical Examiners who perform urine specific gravity, urine protein, urine blood, and urine sugar tests as those tests relate to the National Registry of Certified Medical Examiners, as adopted by the United States Department of Transportation, that are classified as waived clinical laboratory tests under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) for the sole purpose of completing the Department of Motor Vehicles medical examination report, if the chiropractor obtains a valid certificate of waiver and complies with all

other requirements for the performance of waived clinical laboratory tests under applicable federal regulations. The bill would require a chiropractor who receives an abnormal finding, to refer the applicant to the applicant's primary care physician and surgeon.

~~Existing law provides for the licensure and regulation of various healing arts professions and vocations by boards within the Department of Consumer Affairs. Existing law generally prohibits a healing arts board or examining committee within the Department of Consumer Affairs from requiring, by regulation, an applicant for licensure or certification to be a member of, to be certified by, to be eligible to be certified or registered by, or otherwise meet the standards of a specified private voluntary association or professional society.~~

~~This bill would make a technical, nonsubstantive change to these provisions:~~

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

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

- 1 SECTION 1. Section 1241 of the Business and Professions
- 2 Code is amended to read:
- 3 1241. (a) This chapter applies to all clinical laboratories in
- 4 California or receiving biological specimens originating in
- 5 California for the purpose of performing a clinical laboratory test
- 6 or examination, and to all persons performing clinical laboratory
- 7 tests or examinations or engaging in clinical laboratory practice
- 8 in California or on biological specimens originating in California,
- 9 except as provided in subdivision (b).
- 10 (b) This chapter shall not apply to any of the following clinical
- 11 laboratories, or to persons performing clinical laboratory tests or
- 12 examinations in any of the following clinical laboratories:
- 13 (1) Those owned and operated by the United States of America,
- 14 or any department, agency, or official thereof acting in his or her
- 15 official capacity to the extent that the Secretary of the federal
- 16 Department of Health and Human Services has modified the
- 17 application of CLIA requirements to those laboratories.
- 18 (2) Public health laboratories, as defined in Section 1206.
- 19 (3) Those that perform clinical laboratory tests or examinations
- 20 for forensic purposes only.

1 (4) Those that perform clinical laboratory tests or examinations
2 for research and teaching purposes only and do not report or use
3 patient-specific results for the diagnosis, prevention, or treatment
4 of any disease or impairment of, or for the assessment of the health
5 of, an individual.

6 (5) Those that perform clinical laboratory tests or examinations
7 certified by the National Institutes on Drug Abuse only for those
8 certified tests or examinations. However, all other clinical
9 laboratory tests or examinations conducted by the laboratory are
10 subject to this chapter.

11 (6) Those that register with the State Department of Health *Care*
12 Services pursuant to subdivision (c) to perform blood glucose
13 testing for the purposes of monitoring a minor child diagnosed
14 with diabetes if the person performing the test has been entrusted
15 with the care and control of the child by the child's parent or legal
16 guardian and provided that all of the following occur:

17 (A) The blood glucose monitoring test is performed with a blood
18 glucose monitoring instrument that has been approved by the
19 federal Food and Drug Administration for sale over the counter to
20 the public without a prescription.

21 (B) The person has been provided written instructions by the
22 child's health care provider or an agent of the child's health care
23 provider in accordance with the manufacturer's instructions on the
24 proper use of the monitoring instrument and the handling of any
25 lancets, test strips, cotton balls, or other items used during the
26 process of conducting a blood glucose test.

27 (C) The person, receiving written authorization from the minor's
28 parent or legal guardian, complies with written instructions from
29 the child's health care provider, or an agent of the child's health
30 care provider, regarding the performance of the test and the
31 operation of the blood glucose monitoring instrument, including
32 how to determine if the results are within the normal or therapeutic
33 range for the child, and any restriction on activities or diet that
34 may be necessary.

35 (D) The person complies with specific written instructions from
36 the child's health care provider or an agent of the child's health
37 care provider regarding the identification of symptoms of
38 hypoglycemia or hyperglycemia, and actions to be taken when
39 results are not within the normal or therapeutic range for the child.
40 The instructions shall also contain the telephone number of the

1 child’s health care provider and the telephone number of the child’s
 2 parent or legal guardian.

3 (E) The person records the results of the blood glucose tests and
 4 provides them to the child’s parent or legal guardian on a daily
 5 basis.

6 (F) The person complies with universal precautions when
 7 performing the testing and posts a list of the universal precautions
 8 in a prominent place within the proximity where the test is
 9 conducted.

10 (7) Those individuals who perform clinical laboratory tests or
 11 examinations, approved by the federal Food and Drug
 12 Administration for sale to the public without a prescription in the
 13 form of an over-the-counter test kit, on their own bodies or on their
 14 minor children or legal wards.

15 (8) Those certified emergency medical technicians and licensed
 16 paramedics providing basic life support services or advanced life
 17 support services as defined in Section 1797.52 of the Health and
 18 Safety Code who perform only blood glucose tests that are
 19 classified as waived clinical laboratory tests under CLIA, if the
 20 provider of those services obtains a valid certificate of waiver and
 21 complies with all other requirements for the performance of waived
 22 clinical laboratory tests under applicable federal regulations.

23 (9) *Those doctors of chiropractic listed on the most current*
 24 *federal Department of Transportation National Registry of*
 25 *Certified Medical Examiners that perform urine specific gravity,*
 26 *urine protein, urine blood, and urine sugar tests as those tests*
 27 *relate to the National Registry of Certified Medical Examiners, as*
 28 *adopted by the United States Department of Transportation, as*
 29 *published by the notice in the Federal Register, Volume 77, Number*
 30 *77, Friday, April 20, 2012, on pages 24104 to 24135, inclusive,*
 31 *and pursuant to Section 391.42 of Title 49 of the Code of Federal*
 32 *Regulations, that are classified as waived clinical laboratory tests*
 33 *under CLIA for the sole purpose of completing the Department of*
 34 *Motor Vehicles Medical Examination Report, if the doctor of*
 35 *chiropractic obtains a valid certificate of waiver and complies*
 36 *with all other requirements for the performance of waived clinical*
 37 *laboratory tests under applicable federal regulations. If a doctor*
 38 *of chiropractic receives an abnormal finding, the doctor of*
 39 *chiropractic shall refer the applicant to the applicant’s primary*
 40 *care physician.*

1 (c) Any place where blood glucose testing is performed pursuant
2 to paragraph (6) of subdivision (b) shall register by notifying the
3 State Department of Health *Care Services* in writing no later than
4 30 days after testing has commenced. Registrants pursuant to this
5 subdivision shall not be required to pay any registration or renewal
6 fees nor shall they be subject to routine inspection by the State
7 Department of Health *Care Services*.

8 ~~SECTION 1.— Section 850 of the Business and Professions Code~~
9 ~~is amended to read:~~

10 ~~850. No healing arts licensing board or examining committee~~
11 ~~within the Department of Consumer Affairs shall by regulation~~
12 ~~require an applicant for licensure or certification to be a member~~
13 ~~of, to be certified by, to be eligible to be certified or registered by,~~
14 ~~or otherwise meet the standards of a specified private voluntary~~
15 ~~association or professional society except as provided for in this~~
16 ~~article.~~