

AMENDED IN SENATE JUNE 22, 2015

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 757

Introduced by Assembly Member Gomez

February 25, 2015

An act to add and repeal Section 1246.7 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 757, as amended, Gomez. Healing arts: clinical laboratories.

Existing law provides for the licensure, registration, and regulation of clinical laboratories and various clinical laboratory personnel by the State Department of Public Health, with specified exceptions. A violation of those provisions is a crime. Existing law authorizes a person who is licensed under those provisions to perform certain laboratory tests.

This bill, until January 1, 2019, would authorize a ~~medical assistant, as defined, who meets specified criteria~~ *person with specified qualifications* to perform a total protein refractometer test ~~analysis using an automatic, button-operated refractometer with a digital readout~~ in a licensed plasma collection facility in this state. Because a violation of those provisions would be a crime, the bill would impose a state-mandated local program.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. It is the intent of the Legislature to enact
2 legislation to identify who, and under which circumstances he or
3 she, may perform a total protein refractometer test ~~analysis using~~
4 ~~an automatic, button-operated refractometer with a digital readout~~
5 in a licensed plasma collection facility in this state.

6 SEC. 2. Section 1246.7 is added to the Business and Professions
7 Code, to read:

8 1246.7. (a) ~~A medical assistant, as defined in Section 2069,~~
9 ~~person whose qualifications are at least the equivalent of those~~
10 ~~specified in Section 493.1423(b)(4) of Title 42 of the Code of~~
11 ~~Federal Regulations~~ may perform a total protein refractometer
12 test ~~analysis using an automatic, button-operated refractometer~~
13 ~~with a digital readout~~ in a licensed plasma collection facility in
14 this state if all of the following conditions are met:

15 (1) He or she has earned a high school diploma or equivalent,
16 as determined by ~~HCFA pursuant to CLIA: the Centers for~~
17 ~~Medicare and Medicaid Services (CMS) pursuant to the federal~~
18 ~~Clinical Laboratory Improvement Amendments of 1998 (CLIA)~~
19 ~~(42 U.S.C. Sec. 263a).~~

20 ~~(2) He or she performs the total protein refractometer test~~
21 ~~analysis using an automatic, button-operated refractometer with a~~
22 ~~digital readout.~~

23 ~~(3)~~

24 (2) He or she performs the total protein refractometer test
25 ~~analysis using an automatic, button-operated refractometer with~~
26 ~~a digital readout~~ in a licensed plasma collection facility.

27 ~~(4) He or she has been instructed by a physician and surgeon~~
28 ~~licensed in this state or by a licensed clinical laboratory director~~
29 ~~who is in charge of the licensed plasma collection facility in the~~
30 ~~proper procedure to be employed when performing a total protein~~
31 ~~refractometer test analysis.~~

32 (3) *His or her training in the proper procedure to be employed*
33 *when performing a total protein refractometer test using an*

1 *automatic, button-operated refractometer with a digital readout*
2 *has been certified by a physician and surgeon licensed in this state*
3 *or by a licensed clinical laboratory director who is in charge of*
4 *the licensed plasma collection facility, or their certified, trained*
5 *designate. The instructor shall document, and the plasma collection*
6 *facility shall maintain the documentation of, the individual's*
7 *successful completion of training in the performance of the total*
8 *protein refractometer test using an automatic, button-operated*
9 *refractometer with a digital readout.*

10 ~~(5)~~

11 (4) He or she performs the total protein refractometer test
12 ~~analysis~~ *using an automatic, button-operated refractometer with*
13 *a digital readout* under the direction and supervision of the
14 physician and surgeon or licensed clinical laboratory director.

15 ~~(6)~~

16 (5) He or she submits the ~~analysis for interpretation~~ *test results*
17 *to the physician and surgeon or licensed clinical laboratory director*
18 *under whose direction and supervision he or she performed the*
19 ~~analysis-~~ *test using an automatic, button-operated refractometer*
20 *with a digital readout.*

21 (b) This section shall remain in effect only until January 1, 2019,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2019, deletes or extends that date.

24 SEC. 3. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.