

AMENDED IN ASSEMBLY APRIL 8, 1997  
AMENDED IN ASSEMBLY APRIL 1, 1997  
AMENDED IN ASSEMBLY MARCH 13, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 221**

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**Introduced by Assembly Member Goldsmith  
(Coauthors: Assembly Members Aroner, Ashburn, Figueroa,  
Floyd, House, Leach, Margett, Oller, Richter, and Wayne)  
(Coauthors: Senators Leslie, Peace, and Solis)**

February 5, 1997

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An act to amend Sections 1241 and 2058 of the Business and Professions Code, and to add Section 1596.797 to the Health and Safety Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

AB 221, as amended, Goldsmith. Health: blood glucose monitoring.

Existing law regulates the practice of clinical laboratory technology and exempts from that regulation certain clinical laboratories, and persons performing clinical laboratory tests or examinations in these clinical laboratories.

This bill would also exempt those that perform blood glucose testing for the purpose of monitoring a minor child diagnosed with diabetes when the person performing the test has been entrusted with the care and control of the child by the child's parent or legal guardian and certain requirements are satisfied.

Existing law, the Medical Practice Act, prohibits the unauthorized practice of medicine, but also provides that it does not prohibit service in the case of emergency, or the domestic administration of family remedies.

This bill would provide that the act shall not be construed to prohibit obtaining a blood specimen by skin puncture for the purpose of performing blood glucose testing for the purposes of monitoring a minor child with diabetes in accordance with specified requirements.

Existing law provides for the licensure and regulation of child day care facilities by the State Department of Social Services.

This bill would authorize blood glucose testing for the purposes of monitoring a minor child with diabetes to be performed in a ~~child's~~ child day care facility in accordance with specified requirements. *The bill would prohibit any provision of law from requiring an insulin injection to be administered to a child in a child day care facility.*

Vote: majority. 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 1241 of the Business and  
2 Professions Code is amended to read:

3 1241. (a) This chapter applies to all clinical  
4 laboratories in California or receiving biological  
5 specimens originating in California for the purpose of  
6 performing a clinical laboratory test or examination, and  
7 to all persons performing clinical laboratory tests or  
8 examinations or engaging in clinical laboratory practice  
9 in California or on biological specimens originating in  
10 California, except as provided in subdivision (b).

11 (b) This chapter shall not apply to any of the following  
12 clinical laboratories, or to persons performing clinical  
13 laboratory tests or examinations in any of the following  
14 clinical laboratories:

15 (1) Those owned and operated by the United States of  
16 America, or any department, agency, or official thereof  
17 acting in his or her official capacity to the extent that the



1 Secretary of the federal Department of Health and  
2 Human Services has modified the application of CLIA  
3 requirements to those laboratories.

4 (2) Public health laboratories, as defined in Section  
5 1206.

6 (3) Those that perform clinical laboratory tests or  
7 examinations for forensic purposes only.

8 (4) Those that perform clinical laboratory tests or  
9 examinations for research and teaching purposes only  
10 and do not report or use patient-specific results for the  
11 diagnosis, prevention, or treatment of any disease or  
12 impairment of, or for the assessment of the health of, an  
13 individual.

14 (5) Those that perform clinical laboratory tests or  
15 examinations certified by the National Institutes on Drug  
16 Abuse only for those certified tests or examinations.  
17 However, all other clinical laboratory tests or  
18 examinations conducted by the laboratory are subject to  
19 this chapter.

20 (6) Those that perform blood glucose testing for the  
21 purposes of monitoring a minor child diagnosed with  
22 diabetes when the person performing the test has been  
23 entrusted with the care and control of the child by the  
24 child's parent or legal guardian and provided that all of  
25 the following occur:

26 (A) The blood glucose monitoring test is performed  
27 with a blood glucose monitoring instrument that has been  
28 approved by the federal Food and Drug Administration  
29 for sale over the counter to the public without a  
30 prescription.

31 (B) The person has been provided written  
32 instructions by the child's health care provider or an  
33 agent of the child's health care provider in accordance  
34 with the manufacturer's instructions on the proper use of  
35 the monitoring instrument and the handling of associated  
36 medical waste.

37 (C) The person, receiving written authorization from  
38 the minor's parent or legal guardian, complies with  
39 written instructions from the child's health care provider,  
40 or an agent of the child's health care provider, regarding



1 the performance of the test and the operation of the blood  
2 glucose monitoring instrument, including how to  
3 determine if the results are within the normal or  
4 therapeutic range for the child.

5 (D) The person complies with specific written  
6 instructions from the child’s health care provider or an  
7 agent of the child’s health care provider regarding actions  
8 to be taken when results are not within the normal or  
9 therapeutic range for the child. The instructions shall also  
10 contain the telephone number of the child’s health care  
11 provider and the telephone number of the child’s parent  
12 or legal guardian.

13 SEC. 2. Section 2058 of the Business and Professions  
14 Code is amended to read:

15 2058. (a) Nothing in this chapter prohibits service in  
16 the case of emergency, or the domestic administration of  
17 family remedies.

18 (b) Nothing in this chapter shall be construed to  
19 prohibit obtaining a blood specimen by skin puncture for  
20 the purpose of performing blood glucose testing for the  
21 purposes of monitoring a minor child in accordance with  
22 paragraph (6) of subdivision (b) of Section 1241.

23 SEC. 3. Section 1596.797 is added to the Health and  
24 Safety Code, to read:

25 1596.797. (a) Blood glucose testing for the purposes  
26 of monitoring a minor child diagnosed with diabetes may  
27 be performed in a child day care facility in accordance  
28 with paragraph (6) of subdivision (b) of Section 1241 of  
29 the Business and Professions Code.

30 (b) *Nothing in this section, or in any other provision of*  
31 *law, including, but not limited to, Section 1241 or 2058 of*  
32 *the Business and Professions Code, shall require an insulin*  
33 *injection to be administered to any child in a child day*  
34 *care facility.*

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