

ASSEMBLY BILL

No. 256

Introduced by Assembly Member Zettel

February 1, 1999

An act to add Sections 1209.2 and 1260.2 to the Business and Professions Code, relating to waived laboratory directors.

LEGISLATIVE COUNSEL'S DIGEST

AB 256, as introduced, Zettel. Waived laboratory directors.

Existing law regulating clinical laboratory technology defines "laboratory director" as any person who is a duly licensed physician and surgeon, or is licensed to direct a clinical laboratory as specified, and who substantially meets the laboratory director qualifications under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) for the type and complexity of tests being offered by the laboratory. A violation of the provisions relating to clinical laboratories is a misdemeanor.

This bill would establish a waived laboratory director, defined as any person who is any of the following: (1) a nurse clinician, (2) a registered nurse with a B.S.N. degree, (3) a physician assistant, or (4) a paramedic with a B.S. degree in chemistry or related science. A person licensed as a waived laboratory director and qualified under CLIA would be authorized to perform those clinical laboratory tests or examinations classified as waived under CLIA.

Because this bill would expand the class of people subject to licensure, thus subjecting them to criminal penalties, it would create 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. Section 1209.2 is added to the Business
2 and Professions Code, to read:

3 1209.2. As used in this chapter “waived laboratory
4 director” means any person who is any of the following:

5 (a) a nurse clinician, (b) a registered nurse with a B.S.N.
6 degree, (c) a physician assistant, or (d) a paramedic with
7 a B.S. degree in chemistry or related science. A person
8 qualified as a waived laboratory director and qualified
9 under CLIA may perform clinical laboratory tests or
10 examinations classified as waived under CLIA or
11 supervise the performance of a clinical laboratory tests or
12 examination classified as waived under CLIA by any
13 person specified in Section 1206.5.

14 SEC. 2. Section 1260.2 is added to the Business and
15 Professions Code, to read:

16 1260.2. The department shall issue a waived
17 laboratory director’s license to each person who meets
18 the qualifications specified in Section 1209.2.

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



1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.

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