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**AB-1704 Limited podiatric radiography permits.** (2021-2022)

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**Assembly Bill No. 1704**

**CHAPTER 580**

An act to amend Sections 106965, 106980, and 114850 of, and to add Section 114871 to, the Health and Safety Code, relating to public health.

[ Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1704, Chen. Limited podiatric radiography permits.

Existing law, the Radiologic Technology Act, prohibits a person from administering or using diagnostic or therapeutic x-rays on human beings in this state, unless that person has been certified or granted a permit by the State Department of Public Health, as specified, is acting within the scope of that certification or permit, and is acting under the supervision of a healing arts licensee. Existing law requires the department to issue limited permits to persons to conduct radiologic technology limited to the performance of certain procedures or the application of x-rays to specific areas of the human body, except for mammography, and requires the department to prescribe minimum standards of training and experience for these persons and to prescribe procedures for examining applicants for limited permits. Existing administrative law defines the scope of a limited leg-podiatric radiography permit as radiography of the knee, tibia and fibula, and ankle and foot. Existing administrative law requires, as a condition of eligibility for the limited permit, an applicant to pass specified department-approved examinations and to submit an application containing a specified fee and certain information, including a copy of the limited permit x-ray technician school graduation diploma or certificate in that limited permit category.

This bill would authorize the State Department of Public Health to issue to a person a limited podiatric radiography permit described above if the person has satisfied the above-described eligibility requirements, including passing examinations in radiation protection and safety, and podiatric radiologic technology, and has completed a course in radiation safety approved by the department that includes instruction in radiation protection and safety, principles of radiographic exposure, quality control, image processing, anatomy and physiology, digital radiography, positioning, and the performance of at least 50 x-ray procedures under supervision. The bill would require the course to be provided by a licensed doctor of podiatric medicine who holds a current and valid radiography supervisor and operator permit issued by the department, as specified. The bill would require the course to require a minimum of 60 hours of education, which may be online. The bill would limit the training to a maximum of one year for any one student, and one student per licensed doctor of podiatric medicine, as specified. The bill would require the department to adopt initial regulations implementing its provisions by July 1, 2023, and would exempt the regulations from the rulemaking provisions of the Administrative Procedure Act, except as prescribed. The bill would make conforming changes to related provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 106965 of the Health and Safety Code is amended to read:

**106965.** (a) It shall be unlawful for any person to administer or use diagnostic or therapeutic x-ray on human beings in this state, unless that person has been certified or granted a permit pursuant to subdivision (b) or (c) of Section 114870, Section 114871, or pursuant to Section 114885, is acting within the scope of that certification or permit, and is acting under the supervision of a licentiate of the healing arts.

(b) It is unlawful for any person to perform mammography in this state unless that person has a current and valid certificate in mammographic radiologic technology issued pursuant to subdivision (b) of Section 114870, is acting within the scope of that certificate, and is acting under the supervision of a licentiate of the healing arts. This article does not authorize a person licensed under the Chiropractic Initiative Act to administer, use, or supervise the use of mammographic x-ray equipment.

**SEC. 2.** Section 106980 of the Health and Safety Code is amended to read:

**106980.** Certification in radiologic technology pursuant to subdivision (b) or (c) of Section 114870 or Section 114871 shall not authorize any of the following:

(a) The use of diagnostic, mammographic, or therapeutic x-ray equipment except under the supervision of a certified supervisor or operator.

(b) The interpretation of any radiograph or a diagnosis based upon it.

(c) The reporting of any diagnosis to a patient except as ordered by a licentiate of the healing arts.

(d) The use of any title or designation indicating or implying the right to practice any of the healing arts.

**SEC. 3.** Section 114850 of the Health and Safety Code is amended to read:

**114850.** As used in this chapter:

(a) "Department" means the State Department of Public Health.

(b) "Committee" means the Radiologic Technology Certification Committee.

(c) "Radiologic technology" means the application of x-rays on human beings for diagnostic or therapeutic purposes.

(d) "Radiologic technologist" means any person, other than a licentiate of the healing arts, making application of x-ray to human beings for diagnostic or therapeutic purposes pursuant to subdivision (b) of Section 114870.

(e) "Limited permit" means a permit issued pursuant to subdivision (c) of Section 114870 or Section 114871 to persons to conduct radiologic technology limited to the performance of certain procedures or the application of x-rays to specific areas of the human body, except for a mammogram.

(f) "Approved school for radiologic technologists" means a school or approved educational program that the department has determined provides a course of instruction in radiologic technology that is adequate to meet the purposes of the Radiologic Technology Act (Section 27).

(g) "Supervision" means responsibility for, and control of, quality, radiation safety, and technical aspects of all x-ray examinations and procedures.

(h) (1) "Licentiate of the healing arts" means a person licensed under the provisions of the Medical Practice Act, the provisions of the initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation thereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, as amended, or the Osteopathic Act.

(2) For purposes of Section 114872, a licentiate of the healing arts means a person licensed under the Physician Assistant Practice Act (Chapter 7.7 (commencing with Section 3500) of Division 2 of the Business and Professions Code) who practices under the supervision of a qualified physician and surgeon pursuant to the act and pursuant to Division 13.8 of Title 16 of the California Code of Regulations.

(i) "Certified supervisor or operator" means a licentiate of the healing arts who has been certified under subdivision (e) or (f) of Section 114870 or 107111 to supervise the operation of x-ray machines or to operate x-ray machines, or both.

(j) "Student of radiologic technology" means a person who has started and is in good standing in a course of instruction that, if completed, would permit the person to be certified a radiologic technologist or granted a limited permit upon satisfactory completion of any examination required by the department. "Student of radiologic technology" does not include any person who is a student in a school of medicine, chiropractic, podiatry, dentistry, dental radiography, or dental hygiene.

(k) "Mammogram" means an x-ray image of the human breast.

(l) "Mammography" means the procedure for creating a mammogram.

**SEC. 4.** Section 114871 is added to the Health and Safety Code, to read:

**114871.** (a) In addition to the limited permits authorized to be issued pursuant to Section 114870, the department may issue to a person a limited permit in podiatric radiography, authorizing radiography of only the foot, ankle, tibia, and fibula, if the following conditions are met:

(1) The person has completed a course in radiation safety and radiologic technology approved by the department pursuant to subdivision (b), that is provided by a licensed doctor of podiatric medicine who holds a current and valid radiography supervisor and operator permit issued by the department pursuant to subdivision (e) of Section 114870, and that complies with all of the following:

(A) The course shall include instruction in radiation protection and safety, principles of radiographic exposure, quality control, image processing, anatomy and physiology, digital radiography, positioning, and the performance of at least 50 x-ray procedures under supervision.

(B) The course shall require a minimum of 60 hours of education, which may be online.

(C) The person in the course described in this subdivision is deemed to be within the exception specified in subdivision (b) of Section 106975, provided the person is operating x-ray machines under supervision of a licensed doctor of podiatric medicine who holds a current and valid radiography supervisor and operator permit issued by the department pursuant to subdivision (e) of Section 114870.

(D) The training may not exceed one year for any one student. There shall not be, at any one time, more than one student per licensed doctor of podiatric medicine who holds a current and valid radiography supervisor and operator permit.

(2) The person has satisfied the eligibility requirements defined in Section 30444 of Title 17 of the California Code of Regulations, or its successor, including passing department-approved examinations in radiation protection and safety, and podiatric radiologic technology.

(b) An applicant for providing the course described in paragraph (1) of subdivision (a) shall submit an application, including any required application fees, for approval in accordance with the department's regulations adopted pursuant to subdivision (d) of Section 114870. The applicant is subject to Section 107055.

(c) A permit in podiatric radiography authorizes the holder to operate podiatric x-ray equipment in accordance with the department's regulations adopted pursuant to the Radiologic Technology Act (Section 27) in a podiatric office only while under the supervision of a certified supervisor and operator who is a licensed doctor of podiatric medicine. For purposes of this section, "podiatric office" means the physical location of the podiatrist's place of private practice, or, if the approved podiatrist is part of a podiatric medical group, that group's physical place of private practice. "Podiatric office" does not include an office of a medical group that includes a podiatrist, an office within a hospital of a podiatrist who provides services to the hospital patients, or a mobile office.

(d) This section does not increase the scope of practice of a doctor of podiatric medicine or authorize the holder of the permit to perform x-rays beyond the foot, ankle, tibia, and fibula.

(e) The department shall adopt initial regulations implementing this section by July 1, 2023. The regulations shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), except that the department shall post the proposed regulations on its internet website for public comment for 30 days. The comments received shall be considered by the department and the final adopted regulations shall be filed with the Office of Administrative Law for publication in the California Code of Regulations.