

Assembly Bill No. 757

Passed the Assembly August 31, 2015

Chief Clerk of the Assembly

Passed the Senate August 24, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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 person with specified qualifications to perform a total protein refractometer test 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.

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

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

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

1246.7. (a) A person whose qualifications are at least the equivalent of those specified in Section 493.1423(b)(4) of Title 42 of the Code of Federal Regulations may perform a total protein

refractometer test using an automatic, button-operated refractometer with a digital readout in a licensed plasma collection facility in this state if all of the following conditions are met:

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

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

(3) His or her training in the proper procedure to be employed when performing a total protein refractometer test using an automatic, button-operated refractometer with a digital readout has been certified by a physician and surgeon licensed in this state or by a licensed clinical laboratory director who is in charge of the licensed plasma collection facility, or their certified, trained designate. The instructor shall document, and the plasma collection facility shall maintain the documentation of, the individual's successful completion of training in the performance of the total protein refractometer test using an automatic, button-operated refractometer with a digital readout.

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

(5) He or she submits the test results to the physician and surgeon or licensed clinical laboratory director under whose direction and supervision he or she performed the test using an automatic, button-operated refractometer with a digital readout.

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

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

the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2015

Governor