

ASSEMBLY BILL

No. 599

Introduced by Assembly Member Bonilla

February 24, 2015

An act to amend Section 1270 of the Business and Professions Code, relating to clinical laboratories.

LEGISLATIVE COUNSEL'S DIGEST

AB 599, as introduced, Bonilla. Clinical laboratories: cytotechnologists.

Existing law provides for the licensure, registration, and regulation of clinical laboratories and various clinical laboratory personnel, including cytotechnologists, by the State Department of Public Health, subject to certain exceptions. Under existing law, only a licensed cytotechnologist may perform examinations of cytological slides.

This bill would additionally authorize a licensed cytotechnologist to perform all tests and procedures pertaining to cytology, including, but not limited to, microscopic and nonmicroscopic methodologies and tests and procedures that utilize molecular or genetic methodologies.

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 1270 of the Business and Professions
- 2 Code is amended to read:
- 3 1270. (a) On and after January 1, 1991, no person may perform
- 4 examinations of cytological slides without first obtaining a license
- 5 as a cytotechnologist from the department, except that those

1 persons employed by licensed clinical laboratories as
2 cytotechnologists and certified as cytotechnologists by the
3 department on or before January 1, 1991, shall be licensed by the
4 department on or before January 1, 1993. Cytotechnologist licenses
5 shall be issued and renewed by the department for periods of two
6 years. This subdivision shall not apply to persons holding a valid,
7 unrevoked, unsuspended physician's and surgeon's certificate
8 issued pursuant to Chapter 5 (commencing with Section 2000).

9 (b) The issuance of a cytotechnologist license shall be contingent
10 upon the applicant's satisfactory performance, as defined in
11 regulation, in a competency testing program for cytotechnologists
12 which may be administered by the department or by a competency
13 testing service or program approved by the department. The
14 competency testing program established pursuant to this section
15 shall be periodically reviewed and revised by the department, if
16 necessary, to ensure that the program is consistent with federal
17 competency testing requirements issued under the *federal* Clinical
18 Laboratory Improvement Amendments of 1988 (~~P.L.~~ *Public Law*
19 100-578; 42 U.S.C. Sec. 263a, Section 353 of the Public Health
20 Service Act).

21 (c) Notwithstanding subdivision (b), the department may issue
22 a temporary cytotechnologist's license to a person who satisfies
23 the requirements for admission to the examination unless the person
24 has failed a previous examination for a cytotechnologist's license.
25 A temporary license issued by the department pursuant to this
26 subdivision shall be valid for a period of time not exceeding 90
27 days after the date the department has adopted a competency testing
28 program pursuant to subdivision (b).

29 (d) The department may issue a cytotechnologist's license
30 without examination to an applicant who satisfies one of the
31 following:

32 (1) Passage of an examination of a national accrediting board
33 whose requirements are equal to or greater than those required by
34 this chapter or by regulations adopted pursuant to this chapter, as
35 determined by the department.

36 (2) Passage of an examination of another state in which the
37 requirements imposed by laws and regulations regarding the
38 examination are equal to or greater than those required by this
39 chapter or by regulations adopted pursuant to this chapter, as
40 determined by the department.

1 This subdivision shall not apply to a person who has passed an
2 examination of a national accrediting board or another state prior
3 to that board's or state's establishment of requirements which are
4 equal to or greater than those required by this chapter or by
5 regulations adopted pursuant to this chapter, as determined by the
6 department. The department may, however, make exceptions to
7 the requirements of this subdivision in cases where the department
8 determines that the applicant is otherwise qualified for licensure.

9 (e) The department shall not issue any temporary
10 cytotechnologist's license pursuant to subdivision (c) or any
11 cytotechnologist's license without examination pursuant to
12 subdivision (d) after the department adopts a competency testing
13 program pursuant to subdivision (b).

14 (f) *A licensed cytotechnologist may perform all tests and*
15 *procedures pertaining to cytology, including, but not limited to,*
16 *microscopic and nonmicroscopic methodologies and tests and*
17 *procedures that utilize molecular or genetic methodologies.*