

**State of California  
Office of Administrative Law**

In re:  
Department of Public Health

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections: 70438.2

Amend sections:

Repeal sections:

NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION

Government Code Sections 11346.1 and  
11349.6

OAL File No. 2013-0807-02 EE

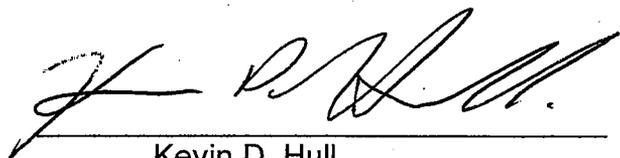
---

This emergency rulemaking by the California Department of Public Health (DPH) readopts section 70438.2 in title 22 of the California Code of Regulations relating to cardiac catheterization laboratory services. Section 70438.2 was originally adopted as an emergency regulation in OAL File No. 2013-0208-02E. In readopting section 70438.2, DPH is implementing California Health and Safety Code section 1255 as amended by Statutes 2012, chapter 772 (A.B. 491).

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 8/20/2013 and will expire on 11/19/2013. The Certificate of Compliance for this action is due no later than 11/18/2013.

Date: 8/19/2013



Kevin D. Hull  
Attorney

For: DEBRA M. CORNEZ  
Director

Original: Dr. Ron Chapman, MD, MPH  
Copy: Linda Cortez

# EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2013-0807-02EE</b>
For use by Office of Administrative Law (OAL) only		2013 AUG -7 PM 2:26	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Department of Public Health			AGENCY FILE NUMBER (if any) DPH-12-006E

ENDORSED FILED  
IN THE OFFICE OF

2013 AUG 19 PM 3:18

*Jenna Bowen*  
 JENNA BOWEN  
 SECRETARY OF STATE

OFFICE OF  
ADMINISTRATIVE LAW

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Cardiac Catheterization Laboratory	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2013-0208-02E, Z-2013-0604-05
--------------------------------------------------------------------	-------------------------------------------------------------------------------------------

<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT 70438.2
	AMEND
	REPEAL TITLE(S) 22

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>HSC 1255(d)(3)(C)&amp;(D)</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)  
 06/14/13-7/29/13

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>08/20/13</u>
-----------------------------------------------------------------------------------------------------	----------------------------------------------------------------------	-----------------------------------------------------------------	-------------------------------------------------------------------------------

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Linda M. Cortez	TELEPHONE NUMBER 916-440-7807	FAX NUMBER (Optional) 916-440-5747	E-MAIL ADDRESS (Optional) linda.cortez@cdph.ca.gov
--------------------------------------	----------------------------------	---------------------------------------	-------------------------------------------------------

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Belinda Whitsett</i>	DATE 8-6-13
TYPED NAME AND TITLE OF SIGNATORY Belinda Whitsett, Acting Deputy Director & Chief Counsel	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

AUG 19 2013

**Office of Administrative Law**

**Title 22. Social Security**  
**Division 5. Licensing and Certification of Health Facilities, Home Health**  
**Agencies, Clinics, and Referral Agencies**  
**Chapter 1. General Acute Care Hospitals**  
**Article 6. Supplemental Services**

**Adopt Section 70438.2 as follows:**

**Section 70438.2. Cardiac Catheterization Laboratory Service – Expanded.**

(a) As used in this article, the following definition applies:

(1) “Expanded cardiac catheterization laboratory space” means a catheterization laboratory space, as provided for in Section 70439(a), that is located in a building connected to a general acute care hospital, as described in subdivision (b) below.

(b) General acute care hospitals that qualify, pursuant to Section 1255(d)(3) of the Health and Safety Code, to provide cardiac catheterization laboratory service in expanded cardiac catheterization laboratory space, may do so, provided that:

(1) There exists an enclosed all-weather passageway that connects the general acute care hospital and the structure in which the expanded cardiac catheterization space is located. Such a passageway shall:

(A) be short enough to allow a patient that is undergoing a cardiac catheterization procedure in the expanded cardiac catheterization laboratory space and who needs emergent care to be transported to the appropriate definitive care option within the general acute care hospital in 10 minutes or less. Such a time shall be calculated from the time the physician deems the patient needs to be transported from the expanded cardiac catheterization laboratory space until the patient arrives at the definitive care option within the general acute care hospital;

(B) have lighting and emergency lighting and power in accordance with Sections 70851 and 70841, respectively;

(C) have installed heating, air conditioning and ventilating systems;

(D) be equipped with an emergency call feature at each end of the enclosed all-weather passageway. For the purposes of this subdivision, "emergency call feature" is defined as a telephonic connection, or any other means of communication, permanently located within the enclosed all-weather passageway, that allows the medical staff members to communicate with medical staff members in the general acute care hospital;

(E) have access that is restricted to authorized staff, as determined by the policies and procedures developed, maintained, and implemented by the general acute care hospital, and to patients accompanied by authorized staff; and

(F) be secured by electronic means in accordance with the security policies and procedures developed, maintained, and implemented by the general acute care hospital.

(2) Policies and procedures for expanded cardiac catheterization laboratory space care for both inpatients and outpatients shall be developed, maintained and implemented by the general acute care hospital.

(A) Inpatient care policies and procedures for the expanded cardiac catheterization laboratory space shall include consideration of the acuity of the inpatient and the type of procedure needed by the patient.

(3) Cardiac catheterization laboratory procedures on general acute care hospital inpatients shall not be performed in the expanded cardiac catheterization laboratory

space unless the schedule for the cardiac catheterization laboratory space within the general acute care hospital has reached capacity. General acute care hospital inpatients shall have priority for placement in the cardiac catheterization laboratory space within the general acute care hospital.

(4) Pediatric cardiac catheterization, as defined in Health and Safety Code Section 1255.5(e), services shall not be performed in an expanded cardiac catheterization laboratory space, in accordance with Sections 1255.5(d) and (e) of the Health and Safety Code.

(c) Not more than 25 percent of the general acute care hospital's inpatients in need of cardiac catheterization laboratory service may have such procedures performed in the expanded cardiac catheterization laboratory space. The general acute care hospital shall maintain records that provide the number of cardiac catheterization procedures performed in the expanded cardiac catheterization laboratory space, and the patient's status as an inpatient or outpatient.

(d) The hospital shall comply with all of the requirements of Sections 70433(a), (b), (c)(1), (e), (i), (j), 70435(a) and 70437(a).

NOTE: Authority cited: Sections 1255, 131050, 131051, and 131200, Health and Safety Code. Reference cited: Section 1255, Health and Safety Code.